



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
December 7, 2021**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, December 7, 2021, at 9:35 a.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor Walter Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney Lusk, Lee District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James Walkinshaw, Braddock District

Supervisor Dalia A. Palchik, Providence District, participated remotely from her home.

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk for the Board of Supervisors; Nathaniel Strathearn, Management Analyst II; Ekua Brew-Ewool and Kecia Kendall, Deputy Clerks, and Bobby Vaught, Administrative Assistant, Department of Clerk Services.

BOARD MATTERS1. **MASKS REQUIRED** (9:36 a.m.)

Chairman McKay stated that, in accordance with CDC guidance, masks are continued to be required for everyone who enters a County facility. Therefore, everyone in the Board Auditorium today must wear a mask at all times, including while speaking or taking photos.

2. **REMOTE PARTICIPATION OF SUPERVISOR PALCHIK (PROVIDENCE DISTRICT)** (9:37 a.m.)

Chairman McKay announced that Supervisor Palchik will be participating in the meeting remotely and asked her to identify herself for the record and provide her general location.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board:

- Certify that the voice of the remotely participating Member, Supervisor Palchik, can be heard by all persons assembled in the Government Center
- Confirm that Supervisor Palchik's remote participation fully conforms with the Board Policy for participation in meetings by electronic communication

Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice Chairman Gross returned the gavel to Chairman McKay.

3. **MOMENT OF SILENCE** (9:41 a.m.)

The Board asked everyone to keep in thoughts the family and friends of:

- With reference to the Pearl Harbor 80-year anniversary remembrance, Chairman McKay recognized this day to reflect on the 2,403 lives lost including the additional 1,000 people who were wounded and caused the immediate entry of the United States into World War II; and also reflect on the sacrifices of military men and women who reside in and serve the County at all of our installations
- Bob Dole, who passed away last weekend. He represented Kansas in both the House of Representatives and the Senate for over 36 years; served

during World War II and earned two purple hearts of valor; and, while in Congress, played a significant role in advocating for people with disabilities

- Mark Herzog, passed away after more than a year long illness on November 13. He was the husband of longtime County Attorney Chris Costa and a champion for justice and equity; from 1994 – 2013, was the associate director of the DC Bar’s Pro Bono Program; and also spent time on DC’s Access to Justice Commission, the LGBT Bar Association, and the Washington Council of Lawyers
- James McKeever Jr., who passed away recently. He was Chairman of the Fairfax Symphony Orchestra and helped the organization expand significantly; was the president and CEO of McKeever Services Corporation, a construction consulting firm; and also served as the Virginia State Commissioner for the Arts and Chairman of Arts Fairfax
- Chief of Police, Kevin Davis, who is dealing with a family related health issue involving his college age son. We wish his son a speedy recovery in the coming weeks and months ahead
- Fred Hiatt, who passed away recently. He was the Washington Post editorial page editor who began his career covering the Fairfax County Board of Supervisors. He brought a keen sense of right and wrong about democracy to the editorial page
- Doug Jones, who passed away last month. He was a graduate of Mount Vernon High School; an active member and one time president of the Mount Vernon-Lee Chamber of Commerce; and was a successful small business owner and entrepreneur who was passionate about coaching youth across the County
- Ron “Dr. Gridlock” Shaffer, who passed away recently. He was a journalist with the Washington Post who introduced a weekly column devoted to responding to reader complaints on transportation. His suggestions resulted in improving roadways around the region
- Richard “Dick” Davis Moore, who passed away recently. He was a Clifton resident with a decorated military career following an appointment to the United States Military Academy from Senator Harry Byrd of Virginia, graduating ninth in his class in 1952; and was a key member of the Clifton Lions Club, becoming the first person to serve as president of the club twice

Supervisor Foust noted that there was a horrific fire in the Town of Herndon this past week and 44 people were displaced. So many organizations and individuals stepped up to assist, including the Fire and Rescue Department. He stated that we are fortunate to live in a community with wonderful first responders and caring individuals.

AGENDA ITEMS

4. **PROCLAMATION DESIGNATING MARCH 25, 2021, AS "GREEK INDEPENDENCE DAY" IN FAIRFAX COUNTY** (9:53 a.m.)

(NOTE: The Board approved this designation in March, but the presentation was delayed by the COVID-19 pandemic.)

Supervisor Storck, jointly with Chairman McKay and Supervisor Gross, moved approval of the Proclamation designating March 25, 2021, as "*Greek Independence Day*" in Fairfax County. Chairman McKay seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO FRANCONIA MUSEUM** (10:10 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and, jointly with Supervisor Lusk, moved approval of the Resolution of Recognition presented to Franconia Museum for its 20th anniversary. Supervisor Lusk seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO FAIRFAX COUNTY PUBLIC SCHOOLS STUDENT AKSHITA BALAJI** (10:23 a.m.)

(NOTE: This certificate was presented virtually.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and, jointly with Supervisor Palchik, moved approval of the Certificate of Recognition presented to Fairfax County Public Schools student Akshita Balaji for reaching the semifinals in the Scripps National Spelling Bee. Supervisor Lusk and Supervisor Palchik jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

7. **RESOLUTION OF RECOGNITION PRESENTED TO THE CHAIRMAN'S TASK FORCE ON EQUITY AND OPPORTUNITY** (10:33 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the Resolution of Recognition presented to the Chairman's Task Force on Equity and Opportunity for its efforts. Supervisor Alcorn seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

Vice-Chairman Gross returned the gavel to Chairman McKay.

8. **PRESENTATION OF THE TRANSPORTATION ADVISORY COMMISSION (TAC) LIFETIME ACHIEVEMENT AND TRANSPORTATION ACHIEVEMENT AWARDS** (11:02 a.m)

Michael D. Champness, Chairman, TAC, presented the following awards, noting that the 2020 TAC Transportation Achievement Award was delayed due to the COVID-19 pandemic:

- TAC Lifetime Achievement Award to Jeffrey M. Parnes, former Chairman of the TAC
- 2020 TAC Transportation Achievement Award to the Relay Shuttle Team

EBE:ebe

9. **APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS (BACs) AND ADVISORY GROUPS** (11:23 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard December 7, 2021." Chairman McKay seconded the motion and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointments of the At-Large Chairman's, Mason, and Mount Vernon District Representatives.

ADVISORY SOCIAL SERVICES BOARD

Appointment of:

- Mr. Benjamin Zuhl as the Dranesville District Representative

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointments of the Builder (Multi-Family), Engineer/Architect/Planner #1 and #2, and the Lending Institution Representatives.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointments of the At-Large #1 and #4 Representatives.

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of the Related Professional Group #6 Representative.

ATHLETIC COUNCIL

Reappointment of:

- Mr. Eric T. Sohn as the Diversity-At-Large Alternate Representative

The Board deferred the appointments of the Diversity-At-Large Principal and the Mason District Alternate Representatives.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Dranesville District Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointments of the Alternate #1 and Design Professional #1 Representatives.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

Reappointment of:

- Mr. Ryan Rauner as the Professional #3 Representative

The Board deferred the appointment of the At-Large #2 Representative.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

Appointment of:

- Ms. Anna Dixon as the At-Large #1 Representative

The Board deferred the appointment of the At-Large #3 Representative.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointments of the At-Large #2 and the Mason District Representatives.

CIVIL SERVICE COMMISSION

Reappointment of:

- Ms. Sara J. Simmons as the At-Large #3 Representative
- Mr. Jason Fong as the At-Large #4 Representative
- Mr. John C. Harris, Jr. as the At-Large #10 Representative
- Mr. Herbert C. Kemp as the At-Large #11 Representative
- Mr. John Townes as the At-Large #12 Representative

Appointment of:

- Ms. Janice L. Hill as the At-Large #9 Representative

The Board deferred the appointments of the At-Large #6 and #8 Representatives.

COMMISSION FOR WOMEN

Appointment of:

- Ms. Enjoli Ramsey as the Braddock District Representative

The Board deferred the appointments of the Mount Vernon and Springfield District Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

Confirmation of:

- Ms. Nermin AbdelWahab as the Elected - South Target Area #3 Representative

COMMUNITY POLICY AND MANAGEMENT TEAM, FAIRFAX-FALLS CHURCH

Confirmation of:

- Ms. Deborah Evans as the Private Services Provider #1 Representative

CONSUMER PROTECTION COMMISSION

The Board deferred the appointments of the Fairfax County Resident #6, #7, and #9 Representatives.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

Appointment of:

- Mr. Jevon Walton as the Braddock District Representative

Reappointment of:

- Mr. Herbert C. Kemp as the Dranesville District Representative

The Board deferred the appointments of the Providence and Springfield District Representatives.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

The Board deferred the appointment of the BOS At-Large #6 Representative.

ECONOMIC ADVISORY COMMISSION

The Board deferred the appointments of the Mason and Sully District Representatives.

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointments of the Citizen #2 and #4 Representatives.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

Appointment of:

- Mr. Kenneth Gubin as the Dranesville District Representative

Reappointment of:

- Mr. Clyde Wilber as the Springfield District Representative

FAIRFAX AREA DISABILITY SERVICES BOARD

Confirmation of:

- Ms. Lindsay Harris as the City of Falls-Church Representative

The Board deferred the appointments of the At-Large #1 Business Community, Lee, and Mason District Representatives.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. May Al-Barzinji as the Long Term Care Provider #12 Representative
- Ms. Courtney A. Cezair Mayers as the Disability Services Board Representative
- Mr. Thomas B. Bash as the Community/Religious Leaders #6 Representative

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

The Board deferred the appointment of the Lee District Representative.

HEALTH CARE ADVISORY BOARD

Appointment of:

- Ms. Kelly Green Kahn as the Dranesville District Representative

The Board deferred the appointment of the At-Large Chairman's District Representative.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointments of the Consumer #5 and Provider #1 Representatives.

HISTORY COMMISSION

Reappointment of:

- Mr. Jordan E. Tannenbaum as the Citizen #1 Representative
- Ms. Sallie Lyons as the Citizen #2 Representative
- Ms. Mary Lipsey as the Citizen #6 Representative

Appointment of:

- Ms. Jenee Lindner as the Citizen #4 Representative
- Ms. Lynne Garvey Hodge as the Historian #1 Representative

The Board deferred the appointment of the Citizen #10 Representative.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #1 Representative.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Mount Vernon District #2 Representative.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)

Reappointment of:

- Ms. M. Kathryn Walsh as the At-Large Chairman's Representative
- Mr. Michael Aschenaki as the Lee District Representative

The Board deferred the appointment of the Hunter Mill District Representative.

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

The Board deferred the appointments of the At-Large Chairman's, Braddock, Dranesville, Hunter Mill, Mason, Mount Vernon, Providence, and Sully District Representatives.

PARK AUTHORITY

Reappointment of:

- Dr. Abena A. Aidoo as the At-Large #2 Representative

POLICE CIVILIAN REVIEW PANEL

The Board deferred the appointments of the Seat #2 and #5 Representatives.

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointments of the Commercial or Retail Ownership #2 and the Residential Owners and HOA/Civic Association #3 Representatives.

SMALL BUSINESS COMMISSION

Reappointment of:

- Ms. Tracey Wood as the At-Large #3 Representative
- Mr. Daren Shumate as the Mason District Representative

The Board deferred the appointments of the At-Large #1 and Sully District Representatives.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Citizen Member #1 and #3, and the Landlord Member #2 and #3 Representatives.

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE

Appointment of:

- Ms. Erin Partlan as the Lee District Representative

TREE COMMISSION

Reappointment of:

- Ms. Jessica M. Bowser as the Lee District Representative

The Board deferred the appointment of the Dranesville District Representative.

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Commercial or Retail Ownership #3 Representative.

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the Citizen appointed by BOS #4 Representative.

WETLANDS BOARD

Reappointment of:

- Mr. Bert Cramer as the Mount Vernon District #2 District Representative

The Board deferred the appointments of the Alternate #1, At-Large #2, and the Mount Vernon District #3 Representative.

2021 REDISTRICTING ADVISORY COMMITTEE

Reappointment of:

- Mr. Paul Berry as the At-Large Chairman's #1 Representative
- Ms. Lisa Sales as the At-Large Chairman's #2 Representative
- Mr. William Bouie as the At-Large Chairman's #3 Representative
- Mr. Prashanth Rajan as the Braddock District Representative
- Mr. Jimmy Bierman as the Dranesville District Representative
- Mr. Richard Chew as the Hunter Mill District Representative
- Mr. Byron Garner as the Lee District Representative
- Ms. Alis Wang as the Mason District Representative
- Mr. Gerald W. Hyland as the Mount Vernon District Representative
- Mr. Samuel Walker as the Sully District Representative

Appointment of:

- Ms. Denver Supinger as the Providence District Representative
- Ms. Jenee Lindner as the Springfield District Representative

Confirmation of:

- Mr. Tim Thompson as the Federation of Citizens Associations Representative
- Ms. Coretta Perkins as the African-American Community Representative
- Ms. Candace Butler as the League of Women Voters Representative
- Ms. Silvia Patton as the Asian/Pacific Islander Community Representative
- Mr. Saif Rahman as the Arab American Community Representative
- Mr. Scott Price as the Northern Virginia Chamber of Commerce Representative
- Mr. George Becerra as the Northern Virginia Labor Federation Representative

AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC)

Confirmation of:

- Ms. Alice Foltz as the Advisory Social Services Representative
- Ms. Jennifer Adeli as the Community Services Board Representative

The Board deferred the appointments of the Lee and Mason District Representatives.

FAIRFAX COUNTY 250TH COMMISSION

Appointment of:

- Ms. Subhi Mehdi as the Dranesville District Representative
- Mr. Don Hakenson as the Lee District Representative
- Ms. Beverly A. Schlotterbeck as the Mason District Representative

The Board deferred the appointments of the Hunter Mill and Springfield District Representatives.

KK:kk

10. **BOARD ADOPTION OF THE 2022 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY, APPROVAL OF THE COUNTY'S 117TH CONGRESS FEDERAL LEGISLATIVE STRATEGY AND PRINCIPLES** (11:24 a.m.)

(NOTE: On November 9, 2021, the Board held a public hearing regarding this item and deferred decision until December 7, 2021.)

Supervisor Walkinshaw, Chair of the Board's Legislative Committee, highlighted the following regarding the 2022 State Legislative Program and Human Services Issue Paper:

- The Board is adopting State and Federal legislative agendas for 2022. For state legislation, the Board is adopting the 2022 Legislative Program and Human Services Issue Paper, and for federal legislation, the Board is adopting Recommended Strategies and Principles for the 2nd Session of the 117th Congress. All these items were discussed at this fall's Legislative Committee meetings, most recently on November 23, 2021
- As discussed at the Legislative Committee meeting, the fundamental priorities remain the same

- The State's revenues have fluctuated considerably in recent years, but due to the substantial injection of Federal funds, including American Rescue Plan Act (ARPA) funds, the State is in a stronger financial position than was expected at this time last year. However, localities continue to face significant challenges, and the State must find ways to increase investments in K-12, human services, and other essential local programs and services after years of State underfunding
- As in previous years, the program features State support for education as a top priority, and urges the State to fully meet its responsibility to adequately fund K-12
- The regional transportation funding priority statement encourages the General Assembly (GA) to fully restore funding to the Northern Virginia Transportation Authority (NVTA) in an amount equal to what was diverted to ensure that transportation projects continue to advance in Northern Virginia after decades of state underfunding. The transportation funding priority statement encourages the GA to build upon the successful enactment of significant transportation revenues passed by the 2013 and 2020 GAs to ensure sufficient funding for transportation needs
- The Board again has a Human Services Issue Paper, which highlights the County's interest in a number of human services programs, and includes three priorities. The first is state funding and actions to increase the availability of affordable housing options, sustainable state funding for diversion programs to connect people who come into contact with the criminal justice system for non-violent offenses to treatment, and increased State support to address the ongoing substance use disorder epidemic
- The Board discussed a number of changes at the November 23, 2021, Legislative Committee meeting, which have been incorporated into the Draft Program and Issue Paper. The Board:
 - Added new language to the Global Climate Change position in support of providing localities more flexibility to increase energy efficiency and improve resilience to climate change impacts by adopting stronger local standards and implementing energy efficiency and utilization disclosure/benchmarking.

- Added language in support of targeting state investments in broadband infrastructure to ensure access to reliable, affordable, high-speed service
 - Specified that funding for the Housing Trust Fund should be increased to \$125 million, and added language to clarify that the owner of a mobile home park should notify both residents of the property and the locality if they intend to sell the property or if they receive an offer to purchase the property
 - Added a new position supporting legislation to allow a small group of spouses of veterans killed on duty to continue receiving a real estate tax exemption in the County
 - Added and clarified language supporting legislation to improve pedestrian and bicyclist safety, and maintenance of active transportation facilities
 - Added a new position to support legislation to improve the quality of long-term care in Virginia's skilled nursing facilities, to ensure better health outcomes and quality of care for medically frail individuals, including older adults and individuals with disabilities
- The Board also has two initiatives this year:
 - Allow the Park Authority to resell electricity through electric vehicle charging stations
 - Reduce barriers for localities seeking to participate in virtual net metering through the State's existing municipal net metering pilot program. These initiatives are a critical part of the County's efforts to reduce fossil fuel emissions

Supervisor Walkinshaw highlighted the following regarding the Federal Strategies and Principles:

- As the Board is aware, the political and fiscal landscape in Congress has been volatile over the past several years, and will likely see continued uncertainty in the future
- The County continues to pursue a strategic approach to Federal funding opportunities, with a focus on economic development, transportation and protecting the social safety net. In particular, the County supports sustained Federal relief funding in a number of areas, as the ongoing COVID-19 pandemic had created lasting

impacts on many Americans, The unprecedented economic and fiscal impacts of the pandemic have required broad and long-lasting Federal assistance for State and local governments, and it is critical that localities have as much flexibility as possible in using Federal pandemic-related funding. The Board will also be actively working to protect existing Federal investments in the County, particularly the military installations, civilian federal workforce, and federal contractors, which are so vital to the County's local economy

- Additionally, in 2021, after a nearly decade-long ban, Congress elected to return to the practice of providing direct funding for specific projects, now called "community funding projects." As the process is a fluid one, the County must maintain flexibility in submitting potential projects for federal funding, as funding opportunities may present themselves quickly, with limited response time, and with very specific federal requirements
- The Board also updated language in the Federal Funding position to reflect Congress' passage of a Continuing Resolution to fund the government through February 18, 2022, and updated language in the Transportation Funding position to note that the Infrastructure Investment and Jobs Act authorizes Transportation Infrastructure Finance and Innovation Act, and many other transportation programs, through Fiscal Year 2026. In the FAA Reauthorization position, the Board noted that there are several bills currently under consideration to combat air traffic noise.

On behalf of the Board, Supervisor Walkinshaw thanked the legislative staff. Just as the County had to adapt to working in different ways during the pandemic, so did the GA, and last year's session was very unusual. The Board appreciates staffs willingness to adapt to changing circumstances during these very unusual times.

Supervisor Walkinshaw moved that the Board adopt the 2022 Legislative Program, the Human Services Issue Paper, and the recommended Strategies and Principles for the 2nd Session of the 117th Congress. Chairman McKay seconded the motion.

Supervisor Walkinshaw announced that a work session with the Fairfax Delegation on the General Assembly will be held on December 14, 2021, at 3:30 p.m. at the Government Center, with a reception beginning at 3 p.m.

Following discussion, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity voting "NAY."

DMS:dms

ADDITIONAL BOARD MATTERS

11. **CERTIFICATE OF RECOGNITION REQUEST FOR CATHY MUSE**
(11:41 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for Cathy Muse, Chief Procurement Officer, in recognition of her retirement, to be presented out of the Board Room. Without objection, it was so ordered.

12. **CERTIFICATE OF RECOGNITION REQUEST FOR MICHAEL LIBERMAN** (11:41 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for Michael Liberman, Director, Department of Cable and Consumer Services, in recognition of his retirement, to be presented out of the Board Room. Without objection, it was so ordered.

13. **CERTIFICATE OF RECOGNITION REQUEST FOR DAVID ROHRER**
(11:41 a.m.)

Jointly with the entire Board, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for David Rohrer, Deputy County Executive, in recognition of his retirement and 40 years of service to the County, to be presented in the Board Room. Without objection, it was so ordered.

14. **CERTIFICATE OF RECOGNITION REQUEST FOR THE ORGANIZATION OF KOREAN AMERICAN WOMEN** (11:41 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for the Organization of Korean American Women, to celebrate its 58th Anniversary, to be presented out of the Board Room. Without objection, it was so ordered.

15. **CERTIFICATE OF RECOGNITION REQUEST FOR THE FAIRFAX COUNTY PARK FOUNDATION** (11:41 a.m.)

Jointly with Supervisor Smith, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for the Fairfax County Park Foundation, in recognition of its 20th Anniversary, to be presented out of the Board Room. Without objection, it was so ordered.

16. **CERTIFICATE OF RECOGNITION REQUEST FOR SPRINGFIELD'S CRESTWOOD** (11:41 a.m.)

Jointly with Supervisor Lusk, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for Springfield's

Crestwood, in recognition of its 75th Anniversary, to be presented out of the Board Room. Without objection, it was so ordered.

17. **PROCLAMATION REQUEST DESIGNATING JANUARY 17-23, 2022, AS “COMMUNITY RISK REDUCTION WEEK”** (11:41 a.m.)

Jointly with Supervisor Lusk, Chairman McKay asked unanimous consent that the Board direct staff to prepare a Proclamation designating January 17-23, 2022, as “*Community Risk Reduction Week*” in the County, to be presented out of the Board Room. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman McKay.

18. **NO BOARD MATTERS FOR SUPERVISOR GROSS (MASON DISTRICT)** (11:42 a.m.)

Supervisor Gross announced that she had no Board Matters to present today.

19. **REQUEST TO EXPEDITE SCHEDULING FOR PS SOUTHEAST ONE, INC. (BRADDOCK DISTRICT)** (11:43 a.m.)

Supervisor Walkinshaw stated that PS Southeast One, Inc., submitted Rezoning Application RZ 2020-BR-003 and Special Exception Application SE 2021-BR-011 on Tax Map Parcels 56-2 ((1)) 39 and 37A to rezone the property from the R-1, I-5, and WS Districts to the I-5 and WS Districts, to permit expansion of the existing self-storage use. The concurrent special exception application seeks to increase the maximum permitted density in the I-5 District from 0.5 to 1.0 floor area ratio.

A comprehensive plan amendment was adopted on October 19, 2021, which recommended additional development options for self-storage use on the subject property. The applicant filed these concurrent applications to implement those development options and has a public hearing scheduled before the Planning Commission on February 2, 2022, and the applicant has worked diligently with staff to address concerns and now requests an expedited Board public hearing date to facilitate the delivery of project and public improvements.

Therefore, Supervisor Walkinshaw moved that the Board direct staff to expedite the scheduling of RZ 2020-BR-003 and SE 2021-BR-011 for a public hearing to be held before the Board on February 22, 2022. The applicant is aware that this motion should not be considered as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations and/or adopted standards, nor does it prejudice in any way the Board's consideration of this pending application. Chairman McKay and Supervisor Gross jointly seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

20. **CONCURRENT PROCESSING REQUEST FOR 7700-4 LEESBURG PIKE ASSOCIATES, LLC AND 7700 HOMES ASSOCIATES, LLC (DRANESVILLE DISTRICT)** (11:45 a.m.)

Supervisor Foust stated that 7700-4 Leesburg Pike Associates, LLC and 7700 Homes Associates, LLC have filed Rezoning Application RZ 2021-DR-006 to rezone 6.72 acres of land from the C-2 to the PDH-16 zoning district to allow the development of 104 single-family attached units. The Planning Commission recommended approval of the application on November 10, 2021, and it is scheduled for a Board public hearing on January 25, 2022.

Due to the extended time-period between Planning Commission approval and the Board's public hearing, and the time sensitive deadlines related to the applicant's contractual obligations, the applicant is requesting concurrent processing of its site plan and building permit application.

Therefore, Supervisor Foust moved that the Board direct staff to authorize concurrent processing of the site plan and building permit application for 7700 Leesburg Pike [Tax Map Number 39-2 ((1)) 57] while the rezoning case is being processed. This motion should not be construed as a favorable recommendation by the Board and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards in anyway. Supervisor Smith seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

21. **AFFORDABLE HOMEOWNERSHIP PILOT PROGRAM** (11:47 a.m.)

Supervisor Foust stated that the County is a great place to live and to do business, yet a sufficient supply of price-appropriate housing options, including affordable homeownership, continues to be a critical challenge to equity and economic competitiveness in the County. At the most recent meeting of the Board's Housing Committee, discussions occurred regarding making significant progress in addressing this issue. From Arrowbrook in the Dranesville District to One University in the Braddock District to North Hill in the Mount Vernon District, and many other projects across the County, the Board is transforming the affordability landscape of the community.

At that same meeting, the Board also discussed the importance of expanding options for low- and moderate-income families, particularly from minority communities, to create wealth and achieve the American Dream of homeownership. The Board received a staff presentation on a proposed affordable homeownership pilot program that would use County-owned land resources to help address known barriers to homeownership. The Board also discussed how this program could support the goals of the One Fairfax policy.

Virginia Housing recently awarded the Fairfax County Redevelopment and Housing Authority a total of \$7.5 million in Amazon Impact Reach funds. If the

pilot program is adopted by the Board, half of that grant will be used to develop the new sustainable homeownership model that will maximize longer-term affordability and homeowner wealth building. The other half of those funds will be used to develop new homeownership resources and augment existing ones.

During the Board's discussion, the Board provided significant guidance to staff and there was a consensus that the proposed program was worthy of moving forward.

Therefore, jointly with Chairman McKay and Supervisor Palchik, Supervisor Foust moved that the Board direct staff to develop an implementation plan for this affordable homeownership pilot project for consideration at the Board's next Housing Committee meeting on February 1, 2022. Chairman McKay and Supervisor Palchik jointly seconded the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

22. **ENHANCING PEDESTRIAN, BICYCLE AND TRAFFIC SAFETY WITH TECHNOLOGY AND COMMUNICATIONS** (11:51 a.m.)

Supervisor Alcorn stated that every year the number of pedestrian and bicycle related fatalities, injuries and near-misses on our roads continues at an unacceptable rate. In October, the County had its 11th pedestrian fatality in 2021 and this past June, a 64-year old man was killed while riding his bike. County offices receive complaints weekly, if not daily, regarding speeding in neighborhoods and other traffic safety concerns.

This is despite the significant resources that the Police Department has invested in education and enforcement and other County efforts, including the popular Slow Down signs. Long-term initiatives like the ActiveFairfax Transportation Plan and the Safe Streets for All Plan, as well as the pedestrian and bicyclist funding directive the Board gave staff in October, will certainly make a difference. However, the Board can and should take additional action now to make the County's active transportation network safer.

First, the General Assembly recently gave localities the authority to install speed cameras in school crossing zones and highway work zones. As a safety measure, such automated traffic enforcement can be a useful tool in making school zones safer. Fairfax City has recently begun operating its first speed cameras this November after passing an ordinance earlier this year, in March. Staff has been investigating the details of this law and is preparing options for Board consideration.

Second, stop-arm cameras on County school buses are another possible tool for avoiding dangerous driving in places where the risk is high. This was discussed by the Board and the School Board several years ago, but the time is right to give this tool another look given new authorities provided by the Commonwealth and the availability of funding from state and federal sources.

And finally, in addition to ramping up enforcement efforts, the County needs a coordinated year-round traffic safety communications plan across County agencies and Board offices. The recently adopted County Strategic Plan includes “Enhance communication and outreach to the community by using all available communication methods.” A strategic approach to key traffic/pedestrian/bicycle safety messages promoted by multiple county agencies under the “One Message, Many Voices” approach will be much more effective than the patchwork of communication efforts that are currently in place. Planning discussions by staff are already underway, and it seems feasible for initial implementation of a coordinated message in time for the end of the current school year or when daylight saving time occurs in the fall.

It behooves us as a County to use the most effective tools available to save lives on roads, sidewalks, and trails.

Therefore, jointly with Supervisor Foust and Supervisor Lusk, Supervisor Alcorn moved that the Board direct:

- The County Executive or his designee to prepare a report on options and recommendations for placement of speed cameras in school zones and stop-arm cameras in the County to be presented to the Board at its Transportation Committee meeting on March 1, 2022
- The County Executive and the Office of Public Affairs to develop a strategic traffic/pedestrian/bicycle safety communications plan with the Police Department, Fire and Rescue Department, Department of Transportation, communications staff in Board Offices and the Virginia Department of Transportation. Coordination and implementation of the plan should occur no later than the Summer of 2022

Chairman McKay seconded the motion.

Discussion ensued with input from Bryan Hill, County Executive, regarding the ability to separate the request into phases.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff, in coordination with Chairman McKay and Supervisor Alcorn, to prepare a letter for the School Board, highlighting the Board’s position on traffic safety.

Following discussion, the question was called on the motion and it carried by unanimous vote.

23. **TRAFFIC CALMING BALLOT ANONYMIZATION** (12:02 p.m.)

Supervisor Lusk stated that traffic calming is an important process for neighborhoods which feel their streets are not safe. Supervisor Lusk stated that his office frequently receives requests for information about the traffic calming

process. An important part of the current process is the ballot measure, which gives every resident within the ballot area a vote on whether to approve or deny the implementation of the proposed traffic calming devices. The traffic calming process can become volatile and emotional. After a recent ballot measure for a neighborhood in the Lee District, the County received a Freedom of Information Act (FOIA) request for the entirety of the ballots that had been submitted. After consultation with the County Attorney's office, it was determined that there was no exemption available in Virginia law that would allow us to redact any part of the requested ballots. Currently, we are required by law to provide copies of these completed ballots to the requestee – including name, vote, address, and signature.

The Fairfax County Department of Transportation and the County Attorney's office created a disclaimer to be added to future ballots to indicate to residents that their ballot is a public document. They have also removed the signature line from the ballot to prevent signatures from being subject to disclosure under FOIA. Residents should know that their ballot and information could be requested by FOIA, and there is no need to have a signature on the ballot. However, there is concern about the impact these changes will have. Some residents who may not want to have their ballot information publicly available may decide not to vote out of fear of releasing personal information, thus undermining the traffic calming process, as anyone who does not vote in the process essentially counts as a no vote.

Therefore, jointly with Chairman McKay, Supervisor Alcorn, and Supervisor Walkinshaw, Supervisor Lusk moved that the Board direct the County Executive to assign the appropriate staff to:

- Prepare recommendations in coordination with the County Attorney's office for the Board to consider by the end of the first quarter of 2022, that would increase anonymity as much as possible for ballots in the traffic calming process
- Review statutory requirements and Virginia Department of Transportation guidance associated with affirming community support for traffic calming measures, and present options for Board discussion on streamlining and modernizing the process including use of electronic balloting and survey tools, how a ballot area is defined, posting of signage in the community, and whether less formal mechanisms can be used to gauge community support than the current cumbersome balloting process

Chairman McKay seconded the motion.

Discussion ensued, with input from Tom Biesiadny Director, Department of Transportation, regarding name and signature requirements and whether those are imposed by the State.

Following discussion, the question was called on the motion and it carried by unanimous vote.

24. **REQUEST TO WAIVE FEES FOR THE SPRINGFIELD-FRANCONIA HOST LIONS CLUB CHARITIES, INC.** (12:07 p.m.)

Supervisor Lusk stated that he is requesting a waiver of the application fees for permits associated with the flea markets held by the Springfield-Franconia Host Lions Club Charities, Inc. This is the 69th year that the Lions Club has operated, and the Board has approved this waiver request annually since 1994. The Springfield-Franconia Host Lions Club Charities, Inc. recently reached out to express appreciation for the Board's help in the past and to ask that the Board support a waiver again this year.

The flea markets are held twice a month from April through November in the Virginia Railway Express parking lot off Backlick Road. All net proceeds from the flea markets are returned to the community. The Springfield-Franconia Host Lions Club Charities, Inc. supports organizations such as Koinonia, Extension for Community Health Outcomes, and the Juvenile Diabetes Foundation, and assists indigent citizens with acquiring prescription eyeglasses and hearing aids.

Therefore, jointly with Chairman McKay and Supervisor Gross, Supervisor Lusk moved that the Board direct staff to waive the application fees for 12-day permits associated with the Springfield-Franconia Host Lions Club Charities 2022 flea markets. Supervisor Gross seconded the motion and it carried by unanimous vote.

25. **REQUEST FOR CONCURRENT AND SIMULTANEOUS PROCESSING FOR SHEEHY LOISDALE PROPERTY, LLC (LEE DISTRICT)** (12:08 p.m.)

Supervisor Lusk stated that Sheehy Loisdale Property, LLC is the owner of approximately 7.23 acres of land located on the east side of Loisdale Road between Loisdale Estates and an existing automobile dealership. The property is zoned to the C-2 and I-3 Districts, and the applicant proposes a rezoning application to the C-8 District with a concurrent special exception application to permit the operation of an automobile dealership. In addition to the rezoning and special exception applications, the applicant has been working with the Planning staff and with Loisdale Estates, which is the nearest residential community to the property in the processing of an amendment to the Comprehensive Plan.

The Comprehensive Plan Amendment has been recommended for approval by the Planning staff, the Lee District Land Use Committee, and the Planning Commission, and will be presented later in today's meeting. The rezoning and special exception applications are currently being processed by the Department of Planning and Development and are scheduled for a hearing before the Planning Commission on January 12, 2022.

The applicant has been pursuing the pending approvals for approximately one year and is anxious to establish its use on the property with the commencement of

construction. Therefore, a request has been submitted for concurrent processing and the scheduling of a hearing before the Board.

Therefore, Supervisor Lusk moved that the Board direct staff to:

- Authorize concurrent and simultaneous processing of a site plan, architectural drawings, and any other drawings as may be necessary with Rezoning Application RZ 2021-LE-007 and Special Exception Application SE 2021-LE-005
- Schedule a public hearing for RZ 2021-LE-007 and SE 2021-LE-005 before the Board. The applicant understands that the authorization of concurrent processing and the scheduling of a Board date in no way relieves it of the requirements to comply with all applicable standards of the Zoning Ordinance. In addition, the authorization does not dictate that the pending applications will be approved, nor does it prejudice staff's review

Supervisor Herrity seconded the motion and it carried by unanimous vote.

26. **REQUEST TO WAIVE FEES FOR THE SPRINGFIELD MASONIC LODGE** (12:11 p.m.)

Supervisor Lusk stated that the Springfield Masonic Lodge has been part of the Greater Springfield Community for the last 63 years. As an integral and proactive community partner, the Lodge awards scholarships, organizes food and blood drives, and donates labor to create infrastructure for neighbors with mobility challenges. More recently, the Lodge has diligently worked to undertake an array of philanthropic actions during the current pandemic, including opening its site as a COVID testing location—testing over 15,000 individuals—in addition to organizing large donations of sanitation supplies to County community health workers.

To make these community services possible, the Lodge depends on revenue from building rentals, membership dues and donations. While the Lodge has maintained its services to the community, and in many cases increased them during the pandemic, the Lodge's revenues have been significantly impacted over the past two years.

In 2019, the lodge applied for a special exception to authorize the continuation of the on-site rentals that principally funds its philanthropic activities. As part of that application process, staff first requested that the Lodge submit a landscaping plan, followed by a minor site plan.

The civil engineering fees associated with obtaining the necessary minor site plan are estimated at approximately \$10,000 and would be in addition to the associated County fees required for the formal submission.

While the lodge does maintain a modest reserve fund, it largely operates at cost. The financial hurdles necessary to obtain the required special exception are currently insurmountable for the Lodge, meaning that it may need to seriously consider suspending much of its philanthropic work in the community, and possibly even closing its doors.

Given the lodge's over 60 years of service to the Springfield community, as well as the unique circumstances that have precipitated this crisis related to the current public health emergency, the Board has a responsibility to take steps to ensure that the Springfield Masonic Lodge remains viable and continues to serve the young people and vulnerable residents in the community.

Therefore, Supervisor Lusk moved that the Board waive up to \$5,000 in fees associated with the Springfield Masonic Lodge's permits and other County fees. Supervisor Lusk stated that he has coordinated with the County Attorney, who has confirmed that this waiver is legal and permissible under the County Code. Chairman McKay seconded the motion and it carried by unanimous vote.

27. **ADOPTION OF THE AUDITOR OF THE BOARD'S NOVEMBER 2021 QUARTERLY REPORT AND APPROVAL OF THE AUDIT COMMITTEE WORK PLAN FOR THE UPCOMING QUARTER** (12:13 p.m.)

Supervisor Storck stated that the Board has received the Auditor of the Board's Quarterly Report for November 2021. The report included the following study area related to the Police Department seized and inventoried property review recommendations, consideration item, follow-up items, and managements' concurrence:

- Auditor Recommends Staff:
 - Liaise with appropriate parties to identify if court case tracking functionality could be improved through system enhancement. Additionally, staff should implement reporting standards and periodic reviews to maintain complete and accurate evidence records
 - Review and cleanup missing data fields going forward to identify root causes and responsible parties for permanent remedies. Also, for data deemed not collectable liaise with the County and Commonwealth Attorneys to determine the appropriate treatment for these items
 - Utilize completed collected evidence records to assist with expediting the release and destruction of inventory still warehoused, expedite firearm testing process for inclusion in crime tracking system, and implement a periodic review process on firearm testing and storage going-forward

- Segregate storage areas for active evidence and evidence marked for destruction. Utilize space garnered through evidence destruction and release to reduce reliance on temporary staging of active evidence
- Consideration Item:
 - Consider the feasibility of police officer's field notes being maintained offsite, and the opportunities that could be garnered from maintaining these field notes onsite. In some cases, these field notes support open court cases
- Additional Audit Committee Recommendations:
 - Audit Committee Members to liaise with Budget and Legislative Committees, and the Office of the County Attorney to explore financial opportunities for escheated unclaimed properties to the State of Virginia
 - Police Department management to liaise with the Office of the County Attorney on developing a policy for maintaining original notes taken in the field, e.g., in case files or other appropriate method within the County's custody

Therefore, Supervisor Storck moved that the Board adopt the November 23, 2021, Audit Committee recommendations, the Auditor of the Board's November 2021 Quarterly Report, Audit Committee Follow Up items and approve the Audit Committee Work Plan for the upcoming quarter. Supervisor Lusk seconded the motion and it carried by a vote of nine, Chairman McKay being out of the room.

28. **REQUEST TO EXPEDITE A PUBLIC HEARING FOR CHRISTOPHER LAND LLC (MOUNT VERNON DISTRICT)** (12:16 p.m.)

Supervisor Storck stated that the applicant, Christopher Land LLC, has a pending rezoning application currently under review with staff. The subject property of the application is located on 6.35 acres at 8409 and 8411 Lorton Road (Tax Map Parcel #1073010001 and #1073010002A), at the south side of Lorton Road, west of Windemere Hill Drive.

The applicant proposes to rezone the parcels from R-1 to PDH-8 to allow the construction of up to 30 townhome-style single family attached dwellings. Staff has shared that the applicant is collaborating very well with them in working to craft proffer language to address the outstanding issues with the property. In addition, the applicant has been closely collaborating with the existing Lorton Valley Homeowner's Association in proffer negotiations and have been in discussion of possibly joining their HOA.

The Planning Commission public hearing for this application is currently scheduled for January 12, 2022. Given the positive strides on the review of this application,

and the fact that the applicant has a contract obligation, the applicant has requested to set a date for the Board's public hearing at the end of January. Staff has indicated they would be supportive of this request.

Therefore, Supervisor Storck moved that the Board direct staff to expedite the public hearings for Rezoning/Final Development Plan Application RZ/FDP 2021-MV-010, located at Tax Map Parcel #1073010001 and #1073010002A to a date certain of January 25, 2022. This motion should not be construed as a favorable recommendation by the Board on the pending applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Smith seconded the motion and it carried by a vote of nine, Chairman McKay being out of the room.

29. **ACCEPTANCE OF ENVIRONMENTAL QUALITY ADVISORY COUNCIL'S (EQAC) 2021 ANNUAL REPORT ON THE ENVIRONMENT**
(12:18 p.m.)

(BAC) Supervisor Storck stated that this builds on previous actions by the Board related to the EQAC Annual Report on the Environment (ARE) and EQAC's findings and recommendations across many environmental focus areas.

EQAC is composed of 14 members appointed by the Board. One member is appointed from each of the nine county magisterial districts and four members are appointed at-large. These 13 members are each appointed for a term of three years. In addition, one member is a student appointed for a term of one year. EQAC reports its findings on the County's environmental quality and proposes recommendations to the Board and the County Executive. The Council provides a means of communication between the public sector and community on matters of county environmental quality.

On December 6, 2021, the EQAC transmitted its 2021 Annual Report on the Environment to the Board. The Council's 2021 ARE including 31 recommendations in areas of: Land Use, Transportation, Water, Waste Management, Parks and Ecological Resources, Climate and Energy, Air Quality, Wildlife Management and Technology to Understand the County. As noted in the 2021 ARE, the chapters in the EQAC report are arranged to reflect the order of topics listed in the Board's Environmental Vision, with the exception of the Air Quality, Wildlife Management and Technology chapters. The Board would like to recognize EQAC's continued dedication and service as this year marks the council's 50th anniversary.

Therefore, jointly with Chairman McKay, Supervisor Storck moved that the Board direct the County Executive to charge the Office of Environmental and Energy Coordination, with support from relevant County agencies, to prepare a response to the EQAC's 2021 Annual Report on the environment and report to the Board at its

Environmental Committee in May 2022. Chairman McKay seconded the motion and it carried by unanimous vote.

30. **REQUEST FOR COMPREHENSIVE PLAN AMENDMENT AND CONCURRENT PROCESSING FOR EVERGREEN INVESTMENT COMPANY** (12:20 p.m.)

Supervisor Storck stated that the Evergreen Investment Company is the contract purchaser of approximately 2.57 acres located on the east side of Richmond Highway and identified among the tax assessment records as 83-3 ((1)) 57A and 59. The property is zoned to the C-8 and the R-4 Districts. The property is planned for residential use at five to eight dwelling units per acre with an option for a public park in a suburban neighborhood area between North Gateway and Penn Daw CBCs in the Richmond Highway Corridor.

Evergreen Investment Company has discussed a proposed multi-family residential building on the subject property with staff and the Planning and Zoning Committee of the Mount Vernon Council of Citizens Associations, Inc. (MVCCA). To redevelop the subject property with multi-family residential development, it will be necessary to amend the comprehensive plan.

Evergreen Investment Company has prepared a concept plan for development that illustrates a multi-family residential building to be constructed within the existing disturbed area. Redevelopment of the subject property will replace residential development. Lastly, the proposal will add residential development to the Richmond Highway Corridor.

Evergreen Investment Company plans to process a rezoning application concurrently with a comprehensive plan amendment, if authorized. The property has a substantial amount of unmapped floodplain and mapped resource protection area (RPA) on the rear of the site, as well as a potential Environmental Quality Corridor (EQC), which has been a major discussion point. Disturbances to EQCs should only be considered in extraordinary circumstances. Further evaluation, including the demonstration of any extraordinary circumstances meriting disturbance to these environmentally sensitive areas; mitigation/compensation measures that would result in clear and substantial net environmental benefits relating to most, if not all, of the EQC purposes, and overall benefits of redevelopment on this area, will be part of the review. To evaluate this, a higher level of design will be expected as part of the planning and development review process.

Therefore, Supervisor Storck moved that the Board authorize staff to evaluate an amendment to the Comprehensive Plan for a multi-family residential development on property identified as Tax Map Parcels 83-3 ((1)) 57A and 59, after a floodplain study and RPA delineation have been completed and approved by staff to locate the pre-development 100-year floodplain and RPA, respectively. The Plan Amendment will be reviewed concurrently with an application to rezone the

property once such application is submitted. This motion should not be construed as a favorable recommendation on these applications by the Board, and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the applications. Supervisor Smith seconded the motion and it carried by unanimous vote.

31. **PROCLAMATION REQUEST FOR LAMBDA KAPPA OMEGA**
(12:24 p.m.)

Supervisor Palchik stated that Alpha Kappa Alpha Sorority, Inc. is the oldest Greek-letter organization established by college educated African American women. Founded on the campus of Howard University on January 15, 1908, they have over 300,000 members in various chapters located around the world.

The Fairfax County Chapter, Lambda Kappa Omega, was chartered December 18, 1976. Since then, they have worked with numerous organizations in the County to provide services to underserved populations. In collaboration with the Education and Charitable Foundation, founded by several of its chapter members, they have adopted families, volunteered at shelters and transitional houses, held Stop Hunger Now events, donated snack packs, menstrual products, hygiene kits, and school supplies to children and schools in the community. Since 2013 alone, they have donated over \$200,000 in funds to high school seniors and medical school students. In May 2022, they will donate approximately \$30,000 in scholarships.

Therefore, jointly with Chairman McKay and Supervisor Lusk, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Proclamation to recognize Lambda Kappa Omega's 45th Anniversary and its ongoing efforts and contributions to the community, to be presented outside the Board Room. Without objection, it was so ordered.

32. **CERTIFICATE OF RECOGNITION REQUEST FOR THE OAKTON HIGH SCHOOL CROSS-COUNTRY TEAM** (12:26 p.m.)

Supervisor Palchik stated that on November 13, 2021, at the Virginia High School League's Class 6 state meet on the Great Meadow course in The Plains, the Oakton High School Boy's Cross-country Team won the Class 6 state cross-country championship. This year, the boys' team competed without its individual front-runners of last season's dominating state championship boys' team, but it pushed through and remained strong enough to defend its title and repeat its 6A County State Championship!

Oakton High School won with 83 points, five ahead of the runner-up, Yorktown Patriots. This state crown was the sixth in school history for the boys' team, giving the school its very first consecutive state crowns. Congratulations to the Oakton boys' cross-country team and Go Cougars!

Therefore, jointly with Supervisor Alcorn and Supervisor Smith, Supervisor Palchik asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for the Oakton High School boy's cross-country team, in recognition of its dedication, hard work, and first consecutive win, to be presented to the team virtually at a future Board meeting. Without objection, it was so ordered.

33. **CERTIFICATE OF RECOGNITION REQUEST FOR SOL GLASNER**
(12:28 p.m.)

Supervisor Palchik stated that at the end of December, Sol Glasner, Chief Executive Officer (CEO) and President, Tysons Partnership will retire. Mr. Glasner's significant Tysons Partnership leadership roles include serving as the Chair of the Tysons Partnership and eventually being appointed in 2017 as its CEO and President.

In these leadership roles, Mr. Glasner has demonstrated outstanding dedication and commitment in transforming Tysons from a suburban edge City into a global class urban center. His passion and devotion to this important work is absolute – he is constantly recognized as one of Tysons' greatest cheerleaders.

Through the years, he has received numerous accolades for his leadership and advocacy for transportation, walkability, and placemaking.

Most recently, under his leadership, the Tysons Partnership developed and unveiled a new Tysons Brand and the publication of a comprehensive market study detailing the current state of Tysons and identifying future trends for the region. These two major initiatives are critical components to recruiting new businesses and residents to Tysons.

Mr. Glasner's constant commitment to the growth and wellbeing of the Tysons and the community is representative of the many relationships he has made with its residents, business owners, and workforce.

Therefore, jointly with Chairman McKay, Supervisor Alcorn, and Supervisor Foust, Supervisor Palchik moved that the Board direct staff to prepare a Certificate of Recognition for Sol Glasner, in recognition of his years of hard work and service to the Tysons community, to be presented out of the Board Room. Chairman McKay and Supervisor Foust jointly seconded the motion and it carried by unanimous vote.

34. **COMPREHENSIVE PLAN AMENDMENT FOR PAN AM SHOPPING CENTER (PROVIDENCE DISTRICT)** (12:30 p.m.)

Supervisor Palchik stated that this item is directing staff to evaluate a potential change to the Comprehensive Plan guidance that governs the Pan Am Shopping Center. The Pam Am Center, built in 1979, is strategically located at the

intersection of Lee Highway and Nutley Street, approximately one mile from the Vienna Metro Station, and adjacent to the Thompson Family Cemetery.

The Board recognizes the challenges facing the retail industry and the need to work in partnership with retail owners to help ensure that retail centers remain viable and continue to contribute positively to the communities they service. In this case, the property owner of the Center, Federal Reality, is interested in working with the community on a concept for redevelopment to achieve these objectives. This motion is intended to allow the planning process to be a platform for the property owner to work with staff and community stakeholders to consider how evolving the center to a more mixed-use environment could enhance the retail experience, ensure the long-term viability of the commercial center, and advance County objectives that include but are not limited to placemaking, economic development, multimodal transportation, and the provision of housing that is affordable to a variety of income levels.

Supervisor Palchik stated that her expectation is that any potential planning will evaluate how to balance redevelopment with available transportation capacity, look for opportunities to enhance bike and pedestrian linkages, and create meaningful open spaces and compatible transitions and buffering to the adjacent neighborhoods. Recognizing the presence of existing stable neighborhoods near the center, the appropriate scale of the design, bulk, and mass of any redevelopment should be studied. Supervisor Palchik stated that she also expects that the resultant planning process will have robust community engagement. The center's owners have committed to the same.

Therefore, Supervisor Palchik moved that the Board direct staff to evaluate an amendment to the Comprehensive Plan for the Pan Am shopping center, Tax Map Parcel 48-4((1))12F. The amendment should consider additional development with a broader mix of uses on the site that would facilitate an improved retail environment; compatibility with any of the existing commercial areas to be retained, as well as with the adjacent development; and ways to support diverse housing, bicycle and pedestrian connections, and expanded open space amenities. Per the current Comprehensive Plan, they should respect the adjacent Thompson Cemetery and floodplain, and integrate it into the design. The process will include robust community engagement, to begin with the property owners communicating with surrounding communities, and then to involve them throughout the process. The Plan Amendment will be reviewed concurrently with an application to rezone the property once such an application is submitted. This motion should not be construed as a favorable recommendation on these applications by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This action in no way prejudices the substantive review of the applications. Supervisor Foust seconded the motion and it carried by unanimous vote.

35. **ADDRESSING SAFETY ON THE FAIRFAX COUNTY PARKWAY IN THE BURKE/FAIRFAX STATION AREA** (12:34 p.m.)

Supervisor Herrity stated that on November 22, 2021, there was a fatal crash on the Fairfax County Parkway near Burke Centre Parkway that shut a section of the road down for several hours. A driver lost her life after losing control of her vehicle, crossing over from the northbound lanes through the median into the southbound lanes, ultimately colliding with two other vehicles. The preliminary report from the Fairfax County Police Department (FCPD) indicated that speed and alcohol were not factors. This section of the Parkway, heading northbound between 123 and Burke Centre Parkway has been a safety issue for drivers due to right-of-way constraints that impacted the design. The Board has asked the FCPD for updated crash data for this section of road, including whether the crashes involved a crossover, and the FCPD is coordinating the request with the Department of Motor Vehicles (DMV). Per the DMV website there have been six crashes this year (not counting this current event) in this section of the road between the Clara Barton Drive bridge and Burke Centre Parkway alone. Supervisor Herrity stated that he has received a number of inquiries about the need to improve this section of the Parkway.

There have been several studies done of this corridor, including a safety study undertaken in 2010, that specifically identified where median barriers and other safety-related improvements could be made. This study was undertaken in response to similar fatalities that took place near Rolling Road. In 2017, the Virginia Department of Transportation undertook another study that looked at multimodal improvements that could be made in the following 5-10 years. Some of the recommendations in the safety study have been completed but not those that address this specific location. Both studies made recommendations for this section of the Parkway that could address these safety concerns, including additional median barriers, 'signal ahead' signs and beacons, 'posted speed'/'your speed' signage, and others.

While the planned widening of this section of the Parkway should ultimately alleviate the safety issues associated with the road's design, improvement of the section of the Parkway is not currently funded, and implementation is still many years away.

Therefore, jointly with Supervisor Walkinshaw, Supervisor Herrity moved that the Board direct the County Executive to have the Department of Transportation work with FCPD and DMV to update the crash data, revisit the recommendations made in these studies and any newer technologies or strategies that may be available and report to the Board with recommendations to address the crossover incidents in this section of the Parkway. Supervisor Walkinshaw seconded the motion and it carried by unanimous vote.

36. **ROCK AND ROLL HALL OF FAME** (12:39 p.m.)

Supervisor Herrity announced that the Foo Fighters were recently inducted into the Rock and Roll Hall of Fame.

37. **JOINT CAPITAL IMPROVEMENT PROGRAM (CIP) COMMITTEE REPORT RECOMMENDATIONS** (12:41 p.m.)

Supervisor Smith stated that at the November 9, 2021, Board meeting, Board Members were provided with a copy of the County Board/School Board Joint CIP Committee Report. On November 23, 2021, staff provided a summary of the specific recommendations contained in the Report to the Board and School Board for consideration and discussion. As stated at the Joint meeting, this group of Board, School Board and Planning Commission members worked well together developing recommendations and exploring ideas for colocation, reuse of space, reducing facility renovation cycles and addressing the capital needs both now and in the future.

The following recommendations would result in significant increased investment in both the County and Schools capital programs:

- **Increase General Obligation Bond Sale limits from \$300 million to \$400 million annually.** County bond sale limits have not increased since 2007, and since 2019 for the schools. The current annual bond sale limit results in a 37-year renovation cycle for school facilities, which can lead to equipment failures, energy inefficiencies, cost increases and safety concerns. The County bond sale also faces financing and cost challenges primarily due to the increased bond sale requirements for Metro. The committee recommends a gradual increase to reach the \$400 million per year sale
- **Dedicate the equivalent value of one penny on the Real Estate tax to the capital program.** Recommended as part of the FY2023 budget, this would support both paydown and future debt service. Assuming a penny value of \$29 million, \$14.5 million each would be provided for County/Schools Paydown projects in Fiscal Year 2023)
- **Increase the percentage allocated to the Capital Sinking Fund at year-end and include Schools in the allocation.** The current allocation to the sinking fund is 20 percent and it would increase to 30 percent of balances not needed for critical year-end items as part of Carryover Review. Schools would receive 25 percent of this allocation. This would allow County and Schools to support more critical infrastructure replacement projects and address backlogs

The Board and the School Board should discuss the CIP on a continuous basis and

not just once a year. Both Boards are supportive of this increased capital investment and believe it will contribute to the overall success of the County.

Therefore, jointly with Chairman McKay and Supervisor Foust, Supervisor Smith moved that the Board:

- Endorse the recommendations contained in the Report
- Direct staff to move the Report recommendations forward with the understanding that the Board will vote on all the individual elements at the appropriate time, including approving any budget adjustments as part of the County's normal budget processes

Supervisor Foust seconded the motion.

Following discussion, with input from Joe LaHait, Debt Manager, Department of Management and Budget, regarding increase in scale and ways to streamline timelines, the question was called on the motion and it carried by a vote of nine, Supervisor Herrity being out of the room.

38. **CONCURRENT PROCESSING REQUEST FOR RP INDUSTRIAL OWNER, L.L.C.** (12:53 p.m.)

Supervisor Smith stated that RP Industrial Owner, L.L.C. is proposing to construct four data centers and an electric substation on property identified among the tax map records as 24-2 ((1)) 12, 12A, 15 and 16. The applicant is currently processing a Special Exception Application, identified as SE-2021-SU-00017, to allow for an increase in building height. Additional height is needed to accommodate rooftop equipment associated with the proposed use.

Given increased data usage and storage needs, there is a high demand for data centers in the County. A Planning Commission public hearing for the special exception application is scheduled on May 4, 2022, and the applicant is asking for concurrent processing of a site plan and the scheduling of a Board public hearing to more quickly implement in this critical use.

Therefore, Supervisor Smith moved that the Board direct staff to:

- Accept for concurrent and simultaneous processing any site plans, architectural drawings, or other plans as may be necessary in conjunction with Special Exception Application SE 2021-SU-00017
- Schedule Special Exception Application SE 2021-SU-00017 for a hearing before the Board. The applicant understands that the authorization of concurrent processing and the scheduling of a Board date in no way relieves it of the requirement to comply with applicable standards of the Zoning Ordinance. In addition, the authorization does not dictate that the pending application will be approved nor does it prejudice staff's review

Chairman McKay seconded the motion and it carried by unanimous vote.

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AGENDA ITEMS

39. **ADMINISTRATIVE ITEMS** (12:56 p.m.)

Supervisor Gross moved approval of Administrative Items 1-27. Chairman McKay seconded the motion.

Supervisor Walkinshaw and Supervisor Herrity asked to amend the motion to consider Admin 25 separately, this was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

(NOTE: The Board considered Admin 25 separately. See Clerk’s Summary Item #40.)

ADMIN 1 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – DUNSMORE ROAD AND WICKFORD DRIVE (LEE DISTRICT)

- Authorized the installation of one “Watch for Children” sign on each of the following roads in the Lee District:
 - Dunsmore Road
 - Wickford Drive
- Directed staff to schedule the installation of the approved measures as soon as possible

ADMIN 2 – APPROVAL OF A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – RIDGELEA DRIVE (MASON DISTRICT)

- Authorized the installation of one “Watch for Children” sign on Ridgelea Drive (Mason District)
- Directed staff of the Department of Transportation to schedule the installation of the approved measures as soon as possible

ADMIN 3 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – ROLLING VIEW DRIVE, POND POINT DRIVE, SOUTH PARK CIRCLE, VIEWCREST DRIVE AND FULL VIEW DRIVE (SPRINGFIELD DISTRICT)

- Authorized the installation of one “Watch for Children” sign on each of the following roads in the Springfield District:
 - Rolling View Drive
 - Pond Point Drive

 - South Park Circle

 - Viewcrest Drive

 - Full View Drive

- Directed staff to schedule the installation of the approved measures as soon as possible

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE ESTABLISHING THE INNOVATION RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 49 (DRANESVILLE DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **January 25, 2022, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to establish the Innovation RPPD, District 49, which includes the following streets:

- Farougi Court (Route 5718), from Maleady Drive to the end, east side; and to Whisonant Court, west side

- Herman Court (Route 5721), from Maleady Drive to the cul-de-sac inclusive

- Maleady Drive (Route 5715), from Hamer Court to the end, north side; from Hamer Court to Farougi Court and from Herman Court to the end, south side

- Seaman Court (Route 5722), from Maleady Drive to the cul-de-sac inclusive

- Veenendaal Court (Route 5720), from Maleady Drive to the cul-de-sac inclusive

- Whisonant Court (Route 5719), from Farougi Court to the cul-de-sac inclusive

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE EXPANDING THE BROYHILL PARK RESIDENTIAL PERMIT PARKING DISTRICT, DISTRICT 28 (MASON DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **January 25, 2022, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Broyhill Park Residential Permit Parking District (RPPD), District 28. The proposed expansion includes the following streets:

- Marc Drive (Route 2338), from Falls Church High School boundary to Nealon Drive
- Holly Hill Drive (Route 2860), from the north end to Camp Alger Avenue
- Parkwood Terrace (Route 2495), from Holly Hill Drive to the northern property boundaries of 3135 and 3150 Parkwood Terrace
- Carol Lane (Route 2439):
 - From Holly Hill Drive to Kenney Drive and from Norfolk Lane to Nealon Drive, north side
 - From Holly Hill Drive to Norfolk Lane, south side
- Jacks Lane (Route 2886), from Falls Church High School to Holly Hill Drive
- Zenith Court (Route 2861), from Parkwood Terrace to the end
- Kenney Drive (Route 2445), from Holly Hill Drive to Marc Drive
- Norfolk Lane (Route 2441), from Carol Lane to the north end

ADMIN 6 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – TORRENCE STREET (SPRINGFIELD DISTRICT)

- Authorized the installation of two “Watch for Children” signs on Torrence Street (Springfield District)

- Directed staff to schedule the installation of the approved measures as soon as possible

ADMIN 7 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – MORNINGSIDE LANE (MOUNT VERNON DISTRICT)

- (R)
- Adopted the Resolution endorsing the following traffic calming measures for Morningside Lane in the Mount Vernon District:
 - Installation of two speed humps
 - Removal of one speed table
 - Directed staff to request the Virginia Department of Transportation to implement the approved measures as soon as possible

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE FISCAL YEAR (FY) 2022 MID-YEAR REVIEW TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FY 2022 REVISED BUDGET PLAN

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **January 25, 2022, at 10 a.m.**, to adjust the FY 2022 appropriation level.

ADMIN 9 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON A PROPOSED ZONING ORDINANCE AMENDMENT TO CHAPTER 112.1, REGARDING MINOR AND EDITORIAL REVISIONS

- (A) (R)
- Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 19, 2022, at 7:30 p.m. and before the Board on **February 22, 2022, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 112.1 (Zoning Ordinance), regarding minor changes to correct typographical or editorial errors or provide for clarification of certain provisions.

ADMIN 10 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – FORRESTER BOULEVARD (BRADDOCK AND SPRINGFIELD DISTRICTS)

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Forrester Boulevard, between Rolling Road and Carrleigh Parkway (Braddock and Springfield Districts)

- Directed staff to request the Virginia Department of Transportation to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible

ADMIN 11 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – POLE ROAD (MOUNT VERNON DISTRICT)

- Authorized the installation of two “Watch for Children” signs on Pole Road (Mount Vernon District)
- Directed staff to schedule the installation of the approved measures as soon as possible

ADMIN 12 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – POLE ROAD (MOUNT VERNON DISTRICT)

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Pole Road, between Jeff Todd Way and Frye Road (Mount Vernon District)
 - Directed staff to request the Virginia Department of Transportation to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible

ADMIN 13 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – SOUTH PARK CIRCLE (SPRINGFIELD DISTRICT)

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on South Park Circle (Springfield District)
 - Directed staff to request the Virginia Department of Transportation to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible

ADMIN 14 – APPROVAL OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM – RIDGELEA DRIVE (MASON DISTRICT)

- (R)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Ridgelea Drive between the Little River Turnpike Service Road and the terminus of Ridgelea Drive (Mason District)

- Directed staff to request the Virginia Department of Transportation to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs as soon as possible

ADMIN 15 – EXTENSION OF REVIEW PERIOD FOR A 2232 APPLICATION (SULLY DISTRICT)

Authorized the extension of review period for the following Public Facility 2232 Review Application to the date noted:

| <u>Application Number</u> | <u>Description</u> | <u>New Date</u> |
|---------------------------|---|-----------------|
| 2232-2021-SU-00023 | Dominion Energy Lincoln Park Substation Tax Map Number 24-4 ((1)) 6B5 13600 EDS Drive Herndon, VA Sully District | May 12, 2022 |

ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON PORTIONS OF MCWHORTER PLACE AND MARKHAM STREET (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 25, 2022, at 4 p.m.**, to consider a proposal to vacate and abandon portion of McWhorter Place and Markham Street (Mason District).

ADMIN 17 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE A PORTION OF WESTFAX DRIVE (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 25, 2022, at 4 p.m.**, to consider a proposal to vacate a portion of Westfax Drive (Sully District).

ADMIN 18 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF OAKWOOD ROAD (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 25, 2022, at 4 p.m.**, to consider a proposal to vacate and abandon a portion of Oakwood Road (Lee District).

ADMIN 19 – AUTHORIZATION FOR THE DEPARTMENT OF NEIGHBORHOOD AND COMMUNITY SERVICES (DNCR) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA EARLY CHILDHOOD FOUNDATION, READY REGIONS GRANT

- Authorized the DNCS to apply for and accept grant funding, if received, from the Virginia Early Childhood Foundation, Ready Regions grant. Funding in the amount of \$324,500 will be used to support the initial start-up and infrastructure of Ready Region 7 which includes Fairfax County, the City of Fairfax, the City of Falls Church, Arlington County, and the City of Alexandria to prepare for the transition from, and to assume the work of, the Preschool Development Birth-Five related coordination responsibilities across the region. The grant period is January 1, 2022, through June 30, 2022, with funding available for one renewal cycle through June 30, 2023. No local cash match is required, and no positions are being requested
- Authorized the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

**ADMIN 20 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 22154 FOR VARIOUS FAIRFAX COUNTY AGENCIES TO ACCEPT
DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS
SECURITY INITIATIVE SUBGRANT AWARDS FROM THE
GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND
SECURITY AND EMERGENCY MANAGEMENT AGENCY**

(SAR)

- Approved SAR AS 22154 in the amount of \$7,875,529 for the County to accept DHS Fiscal Year 2021 Urban Areas Security Initiative subgrant awards from the State Administrative Agency. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment One of the Board Agenda Item. All projects will be implemented in accordance with the program guidance documents. Funding will continue to support three full time exempt grant positions. The County is under no obligation to continue these positions when the grant funding expires. No local cash match is required
- Authorized the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive, to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

**ADMIN 21 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 22163 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD)
TO ACCEPT GRANT FUNDING FROM DEPARTMENT OF HOMELAND
SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE SUBGRANT**

AWARDS FROM THE GOVERNMENT OF THE DISTRICT OF COLUMBIA HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

(SAR)

- Approved SAR AS 22163 in the amount of \$200,000 for the FCPD to accept DHS Fiscal Year 2020 Urban Areas Security Initiative subgrant awards from the State Administrative Agency. These funds will be used to enhance cybersecurity and critical infrastructure protection in the region by hiring a contractor to specialize in cybersecurity and critical infrastructure protection. No local cash match is required, and no positions are associated with this funding
- Authorized the Chairman of the Board, the County Executive, and/or designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 22 – EXTENSION OF REVIEW PERIOD FOR A 2232 APPLICATION (MOUNT VERNON DISTRICT)

Authorized the extension of review period for the following Public Facility 2232 Review Application to the date noted:

| <u>Application Number</u> | <u>Description</u> | <u>New Date</u> |
|---------------------------|---|-----------------|
| 2232-2021-MV-00024 | Fairfax County Park Authority Archaeology and Museum Collections Storage Facility Tax Map Numbers 106-4 ((1)) 58 and 113-1((1)) 14 8941 Workhouse Road and 8943 Lorton Road Lorton, VA Mount Vernon District | April 21, 2022 |

ADMIN 23 – AUTHORIZATION FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT AND SECURITY (DEMS) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM) FOR THE EMERGENCY SHELTER UPGRADE ASSISTANCE GRANT PROGRAM

- Authorized the DEMS to apply for and accept funding, if received, from the VDEM in the amount of \$562,000, including a local cash match of \$112,500. Funding will support the upgrade and retrofit of the Lee District Rec Center with a Natural Gas-Powered Generator. No new grant positions are being requested with this funding

- Authorized the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive, to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

ADMIN 24 – STREETS INTO THE SECONDARY SYSTEM (PROVIDENCE DISTRICT)

(R) Approved the request that the following streets be accepted into the State System:

| <u>Subdivision</u> | <u>District</u> | <u>Street</u> |
|-----------------------------------|-----------------|---|
| Scotts Run Station South Phase I | Providence | Chain Bridge Road South Dartford Drive |
| Scotts Run Station South Phase II | Providence | Colshire Drive (Realigned) Chain Bridge Road |

ADMIN 25 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, PROPERTY UNDER COUNTY CONTROL, BY ADDING ARTICLE 3, PAYMENT OF PREVAILING WAGE FOR WORK PERFORMED ON CONSTRUCTION CONTRACTS, SECTIONS 2-3-1 AND 2-3-2

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page #35.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #40.)

ADMIN 26 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO RE-PURPOSE PROFFERED DEVELOPER CONTRIBUTIONS TO FAIRFAX COUNTY FOR TRANSPORTATION PROJECTS

(A) Authorized the advertisement of a public hearing to be held before the Board on **January 25, 2022, at 4 p.m.**, to re-purpose proffers developers contributed to the County for transportation projects.

ADMIN 27 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 22171 FOR THE HEALTH DEPARTMENT TO ACCEPT FUNDING FROM THE VIRGINIA DEPARTMENT OF HEALTH (VDH) TO STRENGTHEN PUBLIC HEALTH WORKFORCE CORE AND SPECIALIZED COMPETENCIES

(SAR) • Approved SAR AS 22171 for the Health Department to accept funding from the VDH in the amount of \$604,204 to strengthen core and specialized competencies among the County's public health

workforce. Funding will support three full time exempt new grant positions. No local cash match is required

- Authorized the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive, to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County

40. **ADMIN 25 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, PROPERTY UNDER COUNTY CONTROL, BY ADDING ARTICLE 3, PAYMENT OF PREVAILING WAGE FOR WORK PERFORMED ON CONSTRUCTION CONTRACTS, SECTIONS 2-3-1 AND 2-3-2** (12:57 p.m.)

- (A) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See Clerk’s Summary Item #39.)

Supervisor Walkinshaw moved that the Board authorize the advertisement of a public hearing to be held before the Board on **January 25, 2022, at 4:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 2, by adding Article 3, Payment of Prevailing Wage for Work Performed on Construction Contracts, Sections 2-3-1 and 2-3-2, with the following additional direction:

- As part of the definition of “County Construction Contract” in Section 2-3-1(c) of the draft prevailing wage ordinance, advertise the ordinance with an option for the Board to consider striking **“through competitive sealed bidding, on a design-build basis, or construction manager at risk basis”** and inserting **“in accordance with the Virginia Public Procurement Act”**

The motion was multiply seconded. Discussion ensued regarding the motion and Supervisor Herrity stated that he will not be supporting the motion.

The question was called on the motion and it carried by a recorded vote of nine, Supervisor Herrity voting “NAY.”

41. **A-1 – APPROVAL OF A RESOLUTION TO EXTEND THE CABLE FRANCHISE TERM OF COMCAST OF VIRGINIA, LLC** (1:02 p.m.)

- (R) On motion of Supervisor Alcorn, jointly seconded by Supervisor Gross and Supervisor Palchik, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a Resolution authorizing the County Executive to execute an agreement extending the term of Comcast’s cable franchise through December 31, 2022, without change in the terms and conditions of the franchise.

42. **A-2 – AUTHORIZATION TO AMEND THE INTERIM AGREEMENT WITH ALPINE X INC. FOR THE FAIRFAX PEAK DEVELOPMENT AT THE I-95 LORTON LANDFILL (MOUNT VERNON DISTRICT)** (1:03 p.m.)

Supervisor Storck moved that the Board concur in the recommendation of staff and authorize the County Executive to execute the Second Amendment to the Interim Agreement with Alpine X Inc. (formerly Alpine X LLC). Supervisor Lusk seconded the motion.

Supervisor Lusk noted that Board Members received correspondence from the Audubon Naturalist Society regarding points of concern and stated his hope that a response would be made to address those concerns.

Supervisor Lusk asked that staff request Alpine X Inc. to provide specific information regarding equity opportunities.

Discussion ensued with input from Scott Sizemore, Catalytic Development Manager, Department of Economic Initiatives, regarding points of concern raised on outstanding issues.

Supervisor Alcorn noted that correspondence had also been received from the Sierra Club and asked that staff also address those concerns.

Chairman McKay stated that, as discussions continue, if Board Members receive any additional correspondence, they should forward it to staff so that they can continue to address any and all concerns.

The question was called on the motion and it carried by unanimous vote.

43. **A-3 – APPROVAL OF A RESOLUTION TO AUTHORIZE THE SALE OF FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) REVENUE REFUNDING BONDS FOR THE ROUTE 28 TRANSPORTATION IMPROVEMENT DISTRICT SERIES 2022** (1:08 p.m.)

(R) On motion of Supervisor Alcorn, seconded by Supervisor Smith, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Adopted a Resolution requesting the EDA to issue revenue refunding bonds for previously approved Projects; approving the form of the Second Amended and Restated District Contract; Second Amended and Restated Fiscal Agent Agreement; Seventh Supplemental Trust Agreement; Preliminary Official Statement; Notice of Sale; Escrow Deposit Agreement; Continuing Disclosure Agreement
- Authorized the execution and delivery of the documents

- Authorized the Chairman, Vice Chairman, the County Executive, or the Chief Financial Officer to determine and approve certain details of the transaction

44. **A-4 – SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS AND PUBLIC IMPROVEMENT REFUNDING BONDS** (1:09 p.m.)

- (R) Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and adopted a Resolution, Attachment One of the Board Agenda Item, to authorize the sale of General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds on or about January 19, 2022. Vice-Chairman Gross and Supervisor Lusk jointly seconded the motion.

Chairman McKay thanked staff for their work on this item, and stated, as noted by staff, that the County has held a AAA Bond rating from Moody's since 1975, and from Standard and Poor's since 1978, and Fitch since 1997. As of January 2021, 13 states, only 49 counties, and 33 cities across the entire United States maintain a Triple-A bond rating from all three major rating agencies. That rating, as was reiterated at a recent Committee meeting, has saved County taxpayers almost \$1 billion.

The question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

45. **A-5 – APPROVAL OF A PROJECT FUNDING AGREEMENT WITH THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) FOR THE CONSTRUCTION OF A SIDEWALK ALONG SUNRISE VALLEY DRIVE WEST OF RESTON PARKWAY (HUNTER MILL DISTRICT)** (1:11 p.m.)

On motion of Supervisor Alcorn, seconded by Supervisor Smith, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the agreement with MWAA for the construction of a sidewalk along the southside of Sunrise Valley Drive, west of Reston Parkway
- Authorized the Director of the Department of Transportation to execute the agreement

46. **A-6 – APPROVAL OF THE CONSUMER PROTECTION COMMISSION (CPC) RECOMMENDATION ON THE NUMBER OF TAXICAB CERTIFICATES TO BE AUTHORIZED IN 2021** (1:11 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of the staff and approved the CPC recommendation that no additional taxicab certificates be made available to be issued in 2021.

47. **A-7 – APPROVAL OF A LETTER TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) WITH COMMENTS ON THE SPRINGFIELD TO QUANTICO ENHANCED PUBLIC TRANSPORTATION FEASIBILITY STUDY (LEE AND MOUNT VERNON DISTRICTS)** (1:12 p.m.)

On motion of Supervisor Alcorn, multiply seconded, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a letter with comments, to be signed by the Chairman on behalf of the County, to the DRPT regarding the Springfield to Quantico Enhanced Public Transportation Feasibility Study along the I-95 corridor.

48. **A-8 – AUTHORIZATION OF ECONOMIC OPPORTUNITY RESERVE FUNDING FOR THE HERNDON DOWNTOWN REDEVELOPMENT PROJECT (DRANESVILLE DISTRICT)** (1:12 p.m.)

Supervisor Foust moved that the Board concur in the recommendation of staff and authorize a Memorandum of Understanding with the Town of Herndon to allocate \$5 million from the Economic Opportunity Reserve Fund to the Town of Herndon for capital construction as part of the Herndon Downtown Redevelopment Project. Supervisor Gross and Chairman McKay jointly seconded the motion. Following discussion, with Board Members expressing their support of the motion, the question was called on the motion and it carried by unanimous vote.

49. **A-9 – APPROVAL OF RESOLUTION ENDORSING PROJECTS BEING SUBMITTED FOR FISCAL YEAR (FY) 2028 REGIONAL SURFACE TRANSPORTATION PROGRAM AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FEDERAL FUNDING THROUGH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA)** (1:16 p.m.)

(R) On motion of Supervisor Alcorn, seconded by Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a Resolution authorizing the Department of Transportation to apply for federal CMAQ and RSTP funding for FY 2028. Applications will be submitted through the NVTA.

50. **C-1 – APPROVAL OF BYLAWS AND RESOLUTION OF THE TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (TTSDAB) UPDATING THE NAME OF THE NORTHERN VIRGINIA CHAMBER OF COMMERCE** (1:17 p.m.)

(R) The Board next considered an item contained in the Board Agenda regarding revised Bylaws and adoption of a new authorizing Resolution for the TTSDAB.

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board:

- Approve the revised bylaws for the TTSDAB
- Adopt the Resolution stating the purposes, membership, and procedures for the TTSDAB

Supervisor Palchik seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

51. **C-2 – CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION’S APPROVAL OF FINAL DEVELOPMENT PLAN (FDP) 2014 MA-023-02, BY HCINI MOHAMMAD** (1:17 p.m.)

The Board next considered an item contained in the Board Agenda regarding an appeal of the Planning Commission’s approval of the FDP 2014-MA-023-02, by Hcini Mohammad.

Supervisor Gross noted that, as detailed in Consideration Item 2 of the Board package, the appellant has no standing to challenge the Planning Commission’s approval of Final Development Plan FDP 2014-MA-023-02. The appellant failed to provide any justification to overturn the Planning Commission’s decision, particularly considering that the FDP conforms with the approved Conceptual Development Plan and complies with applicable zoning regulations.

Therefore, for the reasons laid out in Consideration Item 2, Supervisor Gross moved that the Board uphold the October 13, 2021, decision of the Planning Commission to approve Final Development Plan FDP 2014-MA-023-02. Supervisor Herrity seconded the motion. Following a brief discussion regarding the motion, the question was called on the motion and it carried by unanimous vote.

52. **I-1 – PRESENTATION OF THE FISCAL YEAR (FY) 2021 ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) AND POPULAR ANNUAL FINANCIAL REPORT (PAFR)** (1:20 p.m.)

The Board next considered an item contained in the Board Agenda regarding the ACFR and PAFR.

A brief discussion ensued regarding the reports.

DMS:dms

53. **RECESS/CLOSED SESSION** (1:24 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2 3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 1. *JBG Tysons Hotel LLC v. Board of Supervisors of Fairfax County, Virginia*, Case Nos. CL-2019-0017690, CL-2020-0020862 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 2. *Federal Realty Partners LP v. Fairfax County of Virginia, et al.*, Case No. CL-2020-0020522 (Fx. Co. Cir. Ct.) (Lee District)
 3. *Lamonta Gladney v. Tyler Tyan Timberlake*, Case No. 1:21-cv-287 (E.D. Va.)
 4. *Jane Doe v. Fairfax Police Officer #1; Fairfax Police Officer #2*, Case No. 1:21- cv-1150 (E.D. Va.)
 5. *Christopher Alipui v. Detective Brian Byerson, Detective Brendan Miller, MPO Jesse Thornton, PFC Daniel Custer, Lt. Charles Riddle, and Detective Debbie Manes*, Case No. 1:14-cv-103 (E.D. Va.)
 6. *Dedric Lattimore v. Officer M. DeAvies*, Case No. 1:21-cv-1165 (E.D. Va.)

7. *Tamela Monique Tibbs v. Fairfax County Department of Family Services*; Record No. 0288-21-4 (Va. Ct. App.)
8. *Marathon Resource Management Group LLC v. Fairfax County Department of Housing and Community Development*, Case No. CL-2021-0011957 (Fx. Co. Cir. Ct.)
9. *Great Falls Crossing Community Association, Inc. v. Alan Mandelblat, Board of Supervisors of Fairfax County, Fairfax County Department of Housing and Community Development, Capital One Bank, Great Seneca Financial Corporation, Unifund CCR Partners, Fairfax Oral and Maxillofacial Surgery, PC, and Cavalry Investments, LLC*, Case No. CL-2021-0004351 (Fx. Co. Cir. Ct.) (Hunter Mill District)
10. *K2NC LLC v. Board of Supervisors of Fairfax County, Virginia; Exception Review Committee, Chris Koerner, Amy Gould, Anne S. Kanter, James C. Chesley, Edward W. Monroe, Jr., Ken Lanfear, Elizabeth Martin, Sue Kovach Shuman, Monica Billger, and David W. Schnare*, Case No. CL-2019-0006521 (Fx. Co. Cir. Ct.) (Braddock District)
11. *Mario Corado v. William Fisher*, Case No. GV21-014229-00 (Fx. Co. Gen. Dist. Ct.); *Alma Duran v. William Fisher*, Case No. GV21-014230-00 (Fx. Co. Gen. Dist. Ct.)
12. *Qadeer Manj v. Thomas Mey*, Case No. GV21-012087 (Prince William Co. Gen. Dist. Ct.)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kiet Tuan Nguyen and Jenny Nguyen*, Case No. CL-2021-0003648 (Fx. Co. Cir. Ct.) (Braddock District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Masoud Hashemi*, Case No. GV21-7672 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Jong Hun An*, Case No. GV21-15859 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Judy K. Chisholm*, Case No. GV21-15855 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

17. *Jay Riat, Building Official for Fairfax County, Virginia v. Moon S. Park*, Case No. GV21-15858 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
18. *Jay Riat, Building Official for Fairfax County, Virginia v. Huong Tran and Ninh Pham Tran*, Case No. GV21-15854 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
19. *Jay Riat, Building Official for Fairfax County, Virginia v Hardev S. Aulakh and Kunti Aulakh*, Case No. GV21-16563 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
20. *Jay Riat, Building Official for Fairfax County, Virginia v Charles V. Duran*, Case No. GV21-16790 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
21. *Jay Riat, Building Official for Fairfax County, Virginia v Sung J. Kim*, Case No. GV21-17201 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
22. *Jay Riat, Building Official for Fairfax County, Virginia v Hadrian Management Limited Liability Company*, Case No. GV21-17487 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v E & R Contractors, LLC*, Case No. GV21-17432 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v Tyrone A. Steigleman, Sr.*, Case No. GV21-17936 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v Huu D. Tran and Nhanh T. Le*, Case No. GV21-18299 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v Joann H. Perry, Trustee of the Perry Family Trust Dated May 28, 2019*, Case No. GV21-16566 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v Scott Perry, Trustee of the Perry Family Trust Dated May 28, 2019*, Case No. GV21-16565 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

28. *Jay Riat, Building Official for Fairfax County, Virginia v. U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust*, Case No. GV21-17240 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. AKA Development, LLC*, Case No. GV21-17911 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. 300 Beverly Road, LLC*, Case No. CL-2021-0005289 (Fx. Co. Cir. Ct.) (Hunter Mill District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Corsica Realty Group, LLC*, Case No. CL-2021-0012483 (Fx. Co. Cir. Ct.) (Hunter Mill District)
32. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Juan Hernandez and Thelma H. Ayala*, Case No. GV21-009580 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
33. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Debra A. Padgett and Darcy A. Shepherd*, Case No. GV21-9581 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
34. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Lloyd Chaisson*, Case No. GV21-15880 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
35. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Alwadi LLC*, Case No. CL-2019-0017284 (Fx. Co. Cir. Ct.) (Lee District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sandra C. Urrutia*, Case No. CL-2021-0013511 (Fx. Co. Cir. Ct.) (Lee District)
37. *Jay Riat, Building Official for Fairfax County, Virginia v. Muwaffaq Alradaideh and Samar K. Odeh*, Case No. GV21-17978 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Jay Riat, Building Official for Fairfax County, Virginia v. Wilfredo S. Morales*, Case No. GV21-17526 (Fx. Co. Gen. Dist. Ct.) (Lee District)

39. *Jay Riat, Building Official for Fairfax County, Virginia v. New Life Investments LLC*, Case No. GV21-17486 (Fx. Co. Gen. Dist. Ct.) (Lee District)
40. *Jay Riat, Building Official for Fairfax County, Virginia v. Sebastian Hernandez*, Case No. GV21-17977 (Fx. Co. Gen. Dist. Ct.) (Lee District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chao Qui Wu, Cui May Nie and Crespo Construction, LLC*, Case No. GV21-17982 (Fx. Co. Gen. Dist. Ct.) (Lee District)
42. *Jay Riat, Building Official for Fairfax County, Virginia v. Springfield Mart LP, and Akmals Kitchen, Inc.*, Case No. GV21-15979 (Fx. Co. Gen. Dist. Ct.) (Lee District)
43. *Jay Riat, Building Official for Fairfax County, Virginia v. Juan Luis Alfaro and Lorena I. Blanco*, Case No. GV21-18017 (Fx. Co. Gen. Dist. Ct.) (Lee District)
44. *Jay Riat, Building Official for Fairfax County, Virginia v. NV Flagging LLC*, Case No. GV21-18019 (Fx. Co. Gen. Dist. Ct.) (Lee District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Alma Yanira Benavides, William Alexi Bonilla and Miguel A. Benavides*, Case No. CL-2021-0010339 (Fx. Co. Cir. Ct.) (Mason District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George M. Yaworsky and Senia M. Yaworsky*, Case No. CL-2018-0014854 (Fx. Co. Cir. Ct.) (Mason District)
47. *Jay Riat, Building Official for Fairfax County, Virginia v. Vivian Villaroel*, Case No. GV21-1582 (Fx. Co. Gen. Dist. Ct.) (Mason District)
48. *Jay Riat, Building Official for Fairfax County, Virginia v. Frances F. Kelly*, Case No. GV21-16016 (Fx. Co. Gen. Dist. Ct.) (Mason District)
49. *Jay Riat, Building Official for Fairfax County, Virginia v. Jorge Andia*, Case No. GV21-17504 (Fx. Co. Gen. Dist. Ct.) (Mason District)

50. *Jay Riat, Building Official for Fairfax County, Virginia v. Neyba Karla Pena*, Case No. GV21-17525 (Fx. Co. Gen. Dist. Ct.) (Mason District)
51. *Jay Riat, Building Official for Fairfax County, Virginia v. Nicholas LRT2 LLC*, Case No. GV21-18322 (Fx. Co. Gen. Dist. Ct.) (Mason District)
52. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas 2817 LLC*, Case No. CL-2021-0009574 (Fx. Co. Cir. Ct.) (Mount Vernon District)
53. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard Albin Cauthers, Jr.*, Case No. CL-2012-0014798 (Fx. Co. Cir. Ct.) (Mount Vernon District)
54. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. N. Rose Atwood*, Case No. CL-2021-0015483 (Fx. Co. Cir. Ct.) (Mount Vernon District)
55. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kara Investment LLC*, Case No. CL-2021-0015482 (Fx. Co. Cir. Ct.) (Mount Vernon District)
56. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Cameron Enterprise Associates, LLC*, Case No. CL-2019-0012576 (Fx. Co. Cir. Ct.) (Mount Vernon District)
57. *Leslie B. Johnson, Fairfax County Zoning Administrator v. LZ Rentals LLC*, Case No. CL-2021-0012482 (Fx. Co. Cir. Ct.) (Providence District)
58. *Jay Riat, Building Official for Fairfax County, Virginia v. Good Spradlin Joint Venture No. 1 and Like New Automotive LLC*, Case No. GV21-15845 (Fx. Co. Gen. Dist. Ct.) (Providence District)
59. *Jay Riat, Building Official for Fairfax County, Virginia v. Hao Ngoc Nguyen and Anna Thi Nguyen*, Case No. GV21-15881 (Fx. Co. Gen. Dist. Ct.) (Providence District)
60. *Jay Riat, Building Official for Fairfax County, Virginia v. Marisol Ferrel*, Case No. GV21-16019 (Fx. Co. Gen. Dist. Ct.) (Providence District)

61. *Jay Riat, Building Official for Fairfax County, Virginia v LZ Rentals LLC*, Case No. GV21-18300 (Fx. Co. Gen. Dist. Ct.) (Providence District)
62. *Jay Riat, Building Official for Fairfax County, Virginia v. Dominick J. Pisciotta and Margaret T. Pisciotta*, Case No. GV21-16022 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
63. *Jay Riat, Building Official for Fairfax County, Virginia v. Andrea P. Ortuno and Herlan O. Ortuno*, Case No. GV21-15885 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
64. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Beatrice C. Garcia*, Case No. GV21-16564 (Fx. Co. Gen. Dist. Ct.) (Sully District)
65. *Jay Riat, Building Official for Fairfax County, Virginia v. Hang T. Le, a/k/a Kim Ngoc Le*, Case No. GV21-17937 (Fx. Co. Gen. Dist. Ct.) (Sully District)
66. *Jay Riat, Building Official for Fairfax County, Virginia v. My Nhu T. Nguyen*, Case No. GV21-17841 (Fx. Co. Gen. Dist. Ct.) (Sully District)
67. *Jay Riat, Building Official for Fairfax County, Virginia v. Margaret Sommar and Michael J. Harding*, Case No. GV21-17973 (Fx. Co. Gen. Dist. Ct.) (Sully District)
68. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mai H. Quach and Bachung T. Tran*, Case No. GV21-17974 (Fx. Co. Gen. Dist. Ct.) (Town of Vienna)
69. *Board of Supervisors of Fairfax County v. NVR Inc., d/b/a Ryan HomesBlackburn*, Case No. GV21-15973 (Fx. Co. Gen. Dist. Ct.)
70. *Board of Supervisors of Fairfax County v. CalAtlantic Mortgage, Inc., d/b/a Lennar*, Case No. GV21-15792 (Fx. Co. Gen. Dist. Ct.)

And in addition:

- As permitted by Virginia Code Sections 2.2-3711(A) (7) and (8), legal analysis regarding the following: *Pomeroy Clark I, LLC, et al. v. Fairfax County, et al.*, Case No. CL-2021-14108 (Fx. Co. Cir. Ct.); *Ying*

Shi v. Fairfax County Department of Tax Administration, Case No. CL-2021-13320 (Fx. Co. Cir. Ct.); and *Anders Larsen Trust, et al. v. Board of Supervisors, et al.*, Record No. 210538 (Supreme Court of Virginia)

- As permitted by Virginia Code Sections 2.2-3711(A)(3), (6), and (29), potential investment of public funds and possible contract negotiations regarding the real property located at Tax Map No. 101-2((6)) parcel 25 in the Lee District

Supervisor Lusk seconded the motion and it carried by unanimous vote.

At 3:52 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

54. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:52 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman McKay seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

55. **AUTHORIZATION OF SETTLEMENT WITH FEDERAL REALTY PARTNERS, LP** (3:52 p.m.)

Supervisor Lusk moved that the Board authorize the settlement of Case No. CL-2020-20522, *Federal Realty Partners, LP v. Fairfax County, Virginia and the Board of Supervisors, Fairfax County, Virginia*, as outlined by the County Attorney in closed session. Chairman McKay seconded the motion and it carried by unanimous vote.

56. **AUTHORIZATION OF SETTLEMENT WITH JBG TYSONS HOTEL LLC** (3:53 p.m.)

Supervisor Alcorn moved that the Board authorize the settlement of Case Nos. CL-2019-17690 and CL-2020-20862, *JBG Tysons Hotel LLC v. Board of Supervisors, Fairfax County, Virginia*, as outlined by the County Attorney in closed session. Chairman McKay seconded the motion and it carried by unanimous vote.

57. **AUTHORIZATION OF CERTAIN FINANCING FOR HARMONY PLACE**
(3:54 p.m.)

Supervisor Lusk moved that the Board authorize certain financing for an affordable housing project known as Harmony Place located within the Lee District based on the terms and conditions outlined in closed session. The Director of the Fairfax County Department of Housing and Community Development, or his duly authorized designee, is authorized to execute any documents required for the execution of this transaction. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Herrity abstaining.

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AGENDA ITEMS

58. **3:30 P.M. – DECISION ONLY ON AN ORDINANCE TO AMEND FAIRFAX COUNTY CODE CHAPTER 7, ARTICLE 2, TO REDISTRIBUTE AND REAPPORTION THE ELECTION DISTRICTS OF THE BOARD OF SUPERVISORS** (3:56 p.m.)

(O) (NOTE: On November 9, 2021, the Board held a public hearing regarding this item and deferred decision until December 7, 2021.)

Erin Ward, Deputy County Attorney, gave a staff presentation.

Supervisor Walkinshaw moved that the Board adopt the publicly submitted map designated as PUB_9_0919_2336, with the following modifications:

- Delete the proposed moves of Army Precinct and Price Precinct, and instead
- Relocate the Saratoga Precinct from Mount Vernon District to Springfield District
- Relocate the West Springfield Precinct from Springfield District to Lee District
- Divide the Woodburn Precinct at the Capital Beltway and relocate the eastern portion of that precinct to the Mason District
- The remaining portion of the Woodburn Precinct, to the west of the Capital Beltway, will remain in Providence District

The entirety of the redistricting plan being proposed for adoption is below:

| <u>Moves</u> | <u>From</u> | <u>To</u> |
|--|--------------|-------------|
| Fort Buffalo Precinct | Providence | Mason |
| Penderbrook Precinct | Providence | Springfield |
| The portion of Woodburn Precinct east of the Capital Beltway (as shown on the map distributed) | Providence | Mason |
| Irving Precinct | Springfield | Braddock |
| West Springfield Precinct | Springfield | Lee |
| Compton Precinct | Sully | Springfield |
| Saratoga Precinct | Mount Vernon | Springfield |

Chairman McKay seconded the motion. Discussion ensued, with input from Ms. Ward, regarding the proposed map and the 2021 Redistricting Advisory Committee (RAC) recommendations.

Supervisor Herrity moved a substitute motion to accept the recommendation of the RAC and adopt the nine District Map RAC-9-0924-1309. The motion died due to lack of a second.

Further discussion ensued regarding the map, the RAC recommendation, redistricting, and with Board Members expressing their support/non-support of the motion.

The question was called on the main motion and it carried by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE," Supervisor Herrity voting "NAY."

59. **3:30 P.M. – PUBLIC HEARING ON AR 87-S-003-04 (COX-RICHARD FAMILY FARM, LLLP AND AARON COX-LEOW AND MARIA COX-LEOW) TO PERMIT RENEWAL OF A PREVIOUSLY APPROVED AGRICULTURAL AND FORESTAL DISTRICT, LOCATED ON APPROXIMATELY 114.05 ACRES OF LAND ZONED R-C AND WS (SULLY DISTRICT)** (4:58 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 19 and November 26, 2021.

The application property is located at 15621 and 15623 Braddock Road, Centreville, 20120, Tax Map 43-1 ((1)) 13Z, 17Z, 18 Z1, 18 Z2, 18Z3, 18 Z4 and 19Z.

Kelly Atkinson, Branch Chief, Environment and Development Review Branch, Department of Planning and Development, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Atkinson presented the staff and Planning Commission recommendations.

Following a query by Supervisor Smith, the applicant, Lucas Cox, confirmed for the record, acceptance of Ordinance provisions dated November 3, 2021.

Supervisor Smith moved approval of Agricultural Renewal Application AR 87-S-003-04, and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Cox Local Agricultural and Forestal District, subject to the Ordinance provisions dated November 3, 2021. Chairman McKay seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

60. **3:30 P.M. – PUBLIC HEARING ON RZ 2020-MV-017 (CHRISTOPHER LAND, LLC) TO REZONE FROM R-2 TO PDH-5 TO PERMIT RESIDENTIAL DEVELOPMENT WITH AN OVERALL DENSITY OF 4.21 DWELLING UNITS PER ACRE AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 1.9 ACRES OF LAND (MOUNT VERNON DISTRICT)**
(5:04 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 19 and November 26, 2021.

The application property is located on the north side of Silverbrook Road, east of Southrun Road, Tax Map 98-3 ((1)) 3.

John Regan, Christopher Land, LLC, reaffirmed the validity of the affidavit dated August 12, 2021, for the record.

Kelly Atkinson, Branch Chief, Environment and Development Review Branch, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Regan had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by one speaker, Ms. Atkinson presented the staff and Planning Commission recommendations.

Supervisor Storck moved approval of Rezoning Application RZ 2020-MV-017 and its associated Conceptual Development Plan, subject to the proffers dated October 27, 2021. Chairman McKay seconded the motion and it carried by unanimous vote. Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

Supervisor Storck moved approval of:

- Modification of Paragraph One of Section 6-107 of the Zoning Ordinance which requires a minimum district size of two acres
- Waiver of the interparcel access requirement per Paragraph 3B of Section 17-201 of the Zoning Ordinance

Chairman McKay seconded the motion and it carried by unanimous vote.

(NOTE: On October 20, 2021, the Planning Commission approved Final Development Plan Application FDP 2020-MV-017, subject to the development conditions dated September 21, 2021.)

61. **3:30 P.M. – PUBLIC HEARING ON PCA 2004-PR-044-03 (TYSONS CORNER HOLDINGS LLC, TYSONS CORNER PROPERTY HOLDINGS LLC) TO AMEND THE PROFFERS FOR RZ 2004-PR-044, APPROVED FOR RETAIL MIXED-USE, TO ADD VEHICLE SALES, RENTAL, AND SERVICE AS A PERMITTED USE AND ASSOCIATED MODIFICATIONS TO PROFFERS WITH AN OVERALL FLOOR AREA RATIO OF 1.76, LOCATED ON APPROXIMATELY 77.63 ACRES OF LAND ZONED PDC, HC, AND SC (PROVIDENCE DISTRICT) (5:12 p.m.)**

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 19 and November 26, 2021.

The application property is located east of International Drive, south of Chain Bridge Road, north of Leesburg Pike and west of the Capital Beltway, Tax Map 29-4 ((1)) 35A, 35C, 35D, 35E and 35F; 39-2 ((1)) 2, 4 and 5.

Brian Clifford, DLA Piper, LLP, reaffirmed the validity of the affidavit dated November 19, 2021, for the record.

Tracey Strunk, Director, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Clifford had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Discussion ensued, with input from Mr. Clifford, regarding the vehicles show room business model, how it is going to work in the mall, and electric car sales.

Following the public hearing, Ms. Strunk presented the staff and Planning Commission recommendations.

Supervisor Palchik moved approval of Proffered Condition Amendment Application PCA 2004-PR-044-03, subject to the proffers dated November 18, 2021. Supervisor Lusk seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

(NOTE: On November 17, 2021, the Planning Commission approved Final Development Plan Amendment Application FDPA 2004-PR-044-02, subject to the proposed development conditions dated November 15, 2021.)

62. **3:30 P.M. – PUBLIC HEARING ON RZ 2018-MV-005 (IDI HUNTINGTON, L.C.) TO REZONE FROM R-20 TO PRM TO PERMIT MIXED USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 3.21, LOCATED ON APPROXIMATELY 19.01 ACRES OF LAND (MOUNT VERNON DISTRICT) (5:22 p.m.)**

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 19 and November 26, 2021.

The application property is located on the south side of Huntington Avenue, north side of North Kings Highway, east of Kathryn Street and west side of Huntington Metro Station, Tax Map 83-1 ((23)) Units 1-364.

Mark Looney, Cooley LLP, reaffirmed the validity of the affidavit dated October 14, 2021, for the record.

Supervisor Herrity disclosed that he had received a campaign contribution in excess of \$100 from:

- Robert M. McDowell of Cooley LLP

Cathy Lewis, Branch Chief, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Looney had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Discussion ensued, with input from Mr. Looney, regarding:

- Priority rights for current unit owners
- Workforce Housing component and income eligibility
- Ownership opportunities and phases for the project
- Building height and timeline for the development
- Provision of pickle ball courts and Park Authority input
- Collaboration and input from the Washington Metropolitan Area Transit Authority
- Challenges and the process for community outreach
- Financing issues

Following the public hearing, Ms. Lewis presented the staff and Planning Commission recommendations.

Supervisor Storck moved:

- Approval of Rezoning Application RZ 2018-MV-005, and the associated Conceptual Development Plan (CDP), subject to the proffers dated December 6, 2021.
- Modification of Paragraph Two of Section 2-506 of the Zoning Ordinance to permit a parapet wall, cornice or similar projection to exceed the established height limit above the roof level of any building within a zoning district by 12 feet instead of the permitted three feet
- Modification of Paragraph Two of Section 6-407 of the Zoning Ordinance to permit the privacy yard for each single family attached dwelling units to measure less than the required 200 square feet

- Modification of Paragraph Four of Section 11-202 of the Zoning Ordinance to permit a loading space or berth to be located closer than 40 feet to the nearest intersection
- Modification of Section 11-203 of the Zoning Ordinance to permit a reduced number of loading spaces for commercial and offices uses as shown on the CDP
- Modification of Paragraph Two of Section 11-302 of the Zoning Ordinance to permit a private street to exceed 600 feet in length as shown on the CDP
- Modification of Paragraph One and Paragraph Two of Section 13-203 of the Zoning Ordinance for peripheral parking lot landscaping of any parking lot containing 20 or more spaces in favor of that shown on the CDP
- Modification of Section 13-302, 13-303 and 13-304 of the Zoning Ordinance pursuant to Paragraph One of Section 13-305 of the Zoning Ordinance to provide screening and barrier treatments as shown on the CDP for those areas within the proposed PRM district
- Modification of Section 13-302, 13-303 and 13-304 of the Zoning Ordinance pursuant to Paragraph Two of Section 13-305 of the Zoning Ordinance to permit screening and barrier requirements along the westerly property line
- Waiver of Section 16-403 of the Zoning Ordinance requiring the submission of a Final Development Plan (FDP) application associated with the submission of any site plans for the existing development

Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

63. **4 P.M. – PUBLIC HEARING TO CONVEY BOARD-OWNED PROPERTY ON QUANDER ROAD TO THE FAIRFAX COUNTY PARK AUTHORITY (MOUNT VERNON DISTRICT)** (6:08 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 19 and November 26, 2021.

Mike Lambert, Assistant Director, Facilities Management Department, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Storck moved adoption of the Resolution authorizing the conveyance of Board-owned property located at 6318 Quander Road and the adjacent Fairchild parcel to the Park Authority. Chairman McKay seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

64. **4 P.M. – PUBLIC HEARING ON A PROPOSED AMENDMENT TO UPDATE APPENDIX Q (LAND DEVELOPMENT SERVICES FEE SCHEDULE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (CODE)** (6:20 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 19 and November 26, 2021.

Devi Ogden, Manager, Financial Management Branch, Land Development Services (LDS), presented the staff report.

Following the public hearing, Supervisor Smith moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Appendix Q (LDS Fee Schedule), as set forth in the staff report dated October 5, 2021
- Fees relating to vertical transportation and elevators should take effect immediately on December 8, 2021, at 12:01 a.m.
- All other amended fees shall take effect upon launch of the Planning Land Use System (PLUS)
- The site related pre-submission fees will not be assessed on any plans filed prior to the launch of the PLUS system nor on any recent submission or revision of the plan filed after the launch of the PLUS system

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Storck being out of the room.

65. **4 P.M. – PUBLIC HEARING TO CONSIDER AMENDMENTS TO ARTICLE 14 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE TO REVISE LOW-INCOME REAL ESTATE TAX EXEMPTION ELIGIBILITY REQUIREMENTS AND ESTABLISH A REAL ESTATE TAX DEFERRAL PROGRAM** (6:25 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 19 and November 26, 2021.

Jay Doshi, Director, Department of Tax Administration, presented the staff report.

Discussion ensued, with input from Mr. Doshi, regarding the proposed real estate taxes, and limits to sources of income for the program.

Following the public hearing, which included testimony by five speakers, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 14. Supervisor Foust and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, Vice-Chairman Gross and Chairman McKay voting “AYE.”

Vice-Chairman Gross returned the gavel to Chairman McKay.

66. **4 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:10 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of November 19 and November 26, 2021.

Chairman McKay announced the rules associated with public comment: The Board will hear public comment on any issue, except issues under litigation; issues that have been scheduled for public hearing before the Board; personnel matters and/or comments regarding specific individuals. Speakers must register in advance, and each speaker is given three minutes for his or her remarks. A maximum of ten speakers may address the Board during any public comment period and speakers may address the Board once during a six-month period.

Public comment was held, but there were no speakers.

67. **BOARD ADJOURNMENT** (7:12 p.m.)

At 7:12 p.m. the Board adjourned.